The Report of the Consultation Panel on Pay Equity

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Green Paper
on
Pay Equity

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The Honourable Ian Scott
Attorney General and
Minister Responsible for Women's Issues
4th Floor, Mowat Block
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Toronto, Ontario
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Dear Mr. Scott:

On January 23, 1986, you announced in the Legislature a public consultation process on pay equity and the establishment of a Consultation Panel to receive written and oral submissions. We, the members of the panel, have received and reviewed those submissions and submit the accompanying report.

C. David Clark

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CHAPTER 1

INTRODUCTION

> The achievement of equal opportunity and social justice for all Ontarians is a fundamental and unalterable commitment of the Ontario Government. (p. i)

With these words, which opened the Green Paper on Pay Equity, the government declared its pledge to pursue a pay equity policy for Ontario.

"Pay equity" or equal pay for work of equal value, as it is also known, was defined in the Green Paper in this way: "excluding non gender-related factors which influence pay, work performed by women which is equivalent in value to that performed by men in the same establishment is to be paid the same." (p. 3)

The Green Paper did not attempt to resolve the issues surrounding pay equity. Instead, it raised each issue and left the options for implementation open to discussion. The public was invited to explore these topics and help to shape the strategies that will ensure equality in the workplace.

Before the consultations even began, one fundamental point was established by the Ontario government: the meetings would not become a forum to open up debate on the concept of pay equity. The government was already committed to this concept. Only the methods for implementation were still to be decided.

The public consultation panel's role was clearly defined. The panel was to listen to all sides of the issue; to find out the concerns of various groups; and to encourage participants to offer their ideas on effective implementation.

The Green Paper had raised critical issues needing further discussion, including the following (pp. 52-53):

1. *What is an appropriate definition of employer establishment? Should this definition be based upon geographic, functional, corporate, or a combination of these and other factors?*

2. *How can flexibility for changing employment patterns be built into a meaningful definition for gender predominance?*

3. *How can gender-bias be identified and removed from job evaluation and wage setting practices?*

4. *What are the terms "equal pay" and "equal value" to mean in practice?*

5. *Which "allowable exceptions" should be permitted?*

6. *How should pay adjustments be determined and implemented under a pay equity policy?*

7. *Which of the outlined pay equity implementation models is appropriate? Are there other possibilities?*

8. *Should all employers, without exception, be included in the implementation of pay equity? If so, should large and small employers be treated in exactly the same way?*

9. *Should there be a phase-in period for a pay equity policy?*

10. *Could an existing agency be made responsible for the administration of pay equity, or would a new specifically-designed agency be more appropriate?*

11. *What would be the most appropriate role for the collective bargaining process in achieving pay equity?*

While this list is not an exhaustive one, it does reflect the type of issues which required attention and debate during the public consultations.

The Presentations

Two hundred and thirty-six written presentations were received. The number of oral presentations, from groups or individuals, totalled 149. The eight days of discussion generated 2,117 pages of transcript.

More important than these statistics, however, was the serious interest in the issue that such a strong reply demonstrated. We would like to thank all of those who participated in the consultation process for their time, their concern and their valuable opinions and perspectives.

It would be unwise to regard the pay equity consultations as a barometer of public opinion across the province. Those who took part in the process generally did so because they had passionate views on this topic, either for or against.

The report presents a summary of all the written and oral submissions before the consultation panel; in this way, the panel has fulfilled the mandate issued by the minister. Contributors were chosen on the basis that their comments synthesized the views of many, were strongly expressed or perhaps identified concerns that had not been recognized previously. Given, however, the sheer volume of presentations made, both written and oral, it was not possible to quote or mention every participant.

Discussions between presenters and panel members were instrumental in clarifying the debate on pay equity's scope and its application. Many oral presentations focused on constructive implementation strategies. Even in cases where presenters did not approve of a pay equity policy, the disclaimer was made immediately and the presenters then went on to give their advice on the means of implementation.

Comments by the Public Service Alliance of Canada (PSAC), for example, were typical of the position taken by many groups:

> We welcome this opportunity to appear before the Ontario Government Consultation Panel on Pay Equity.... In this submission we will attempt to provide panel members with a perspective on how pay equity should be implemented if it is to achieve the desired result of reducing and eradicating economic discrimination against women workers in Ontario.[1]

There were a few exceptions, however. The Sudbury and District Chamber of Commerce, the National Citizens' Coalition (NCC) and Realwomen all stated plainly that they were opposed to pay equity legislation and would not provide guidance on its implementation.

The NCC said, "We reject the terms 'pay equity', 'comparable worth' and 'equal pay for work of equal value.'... (They have been) conceived by statists, and ... been promoted by zealots."[2] The other two groups felt that it was wrong to discuss implementation in the absence of a debate about the first principles of pay equity philosophy. In such instances the panel's response was to remind the presenters that their brief was in clear conflict with the intent of the consultations; under examination was the implementation of pay equity, not the concept.

Another source of disagreement, though not as fundamental as the above, centred on the appropriate vehicle for economic equality for women. While many groups urged the panel to consider pay equity as only one instrument in a basket of tools that the government should use, there were some who said that the means to economic equality should be employment equity strategies (affirmative action in particular) and not a pay equity policy. This debate is presented in Chapter 13 of this report.

At least one group expressed its disappointment that the public consultations on pay equity were taking place at all. The Ontario Federation of Labour (OFL) said it would have preferred the government to proceed with legislation "without going through ... these public hearings...."[3] This comment notwithstanding, the OFL provided many helpful comments on implementation. In addition, the federation demonstrated its commitment to the issue by asking Janis Sarra, OFL Human Rights Director, to accompany the panel throughout the consultations.

Some pay equity topics invited wide-ranging responses. The discussions on legislation and legal issues, for example, produced suggestions that were practical and pointed. They are especially relevant here in this opening chapter, since they speak to the Green Paper's ultimate goal.

Pay equity "has to be legislated,"[4] and "legislation should be implemented in both private and public sectors,"[5] said the OFL and the Business and Professional Women's Clubs of Ontario, respectively. They were supported in this by many presenters. The London Status of Women Action Group summed it up for a number of participants when it said:

> There should be one single piece of legislation flexible enough to meet the needs of the civil service, the rest of the public sector and all private (sector) employees.[6]

Several presentations raised legal issues related to the Charter of Rights and Freedoms. The NCC believed that "legislation, as outlined in the Green Paper, would be unconstitutional."[7] The Charter of Rights Educational Fund (CREF) commented that the current Employment Standards Act contravenes the Charter to the extent that it restricts comparisons between men's and women's work to similar work.[8]

Two presentations recommended amendments to existing legislation. Mathews, Dinsdale and Clark, a law firm, suggested that "substantive pay equity legislation

may best be achieved by means of additions to the provisions of the existing Employment Standards Act."[9] ORC Canada Inc., a consulting company, recommended "that pay equity be placed within the purview of the Ontario Human Rights Code ... (requiring) employers to establish employment equity starting with a pay equity element."[10]

CREF and the National Action Committee on the Status of Women, among others, felt that ongoing (as opposed to time-specific or sunsetting legislation) was required. As the Coalition of Visible Minority Women stated:

> Pay Equity must be ongoing. There must be programmes in place so that employers can continue to make the necessary salary adjustments. This means there must be ongoing monitoring....[11]

A full list of oral presentations made at the public consultations is found in Appendix A. The list of all written submissions is found in Appendix B.

For clarity and readability, we have abbreviated the names of the following groups when they are referred to in this report:

ALSBO	The Association of Large School Boards in Ontario
AMO	The Association of Municipalities of Ontario
APMA	The Automotive Parts Manufacturers' Association of Canada
CAWE	The Canadian Association of Women Executives
CMA	The Canadian Manufacturers' Association, Ontario Division
CREF	The Charter of Rights Educational Fund
CUPE	The Canadian Union of Public Employees
FWTAO	The Federation of Women Teachers' Associations of Ontario
GM	General Motors of Canada
NCC	The National Citizens' Coalition
OFL	The Ontario Federation of Labour
ONA	The Ontario Nurses' Association
OPSEU	The Ontario Public Service Employees Union
OSSTF	The Ontario Secondary School Teachers' Federation
PSAC	The Public Service Alliance of Canada
UAW	The United Auto Workers Union of Canada
YWCA	The Young Women's Christian Association

CHAPTER 2

DEFINITION OF ESTABLISHMENT

According to the Green Paper:

> The definition of pay equity in this Paper limits comparisons to the same "establishment," as do Canadian federal legislation and pay equity legislation in other jurisdictions. This means that gender-based comparison is required only within a particular establishment. The definition of "establishment" is, therefore, a critical policy decision.
>
> ... Establishment can be defined in a number of ways including geographic, functional, or corporate definitions. (pp. 4-16)

How establishment is defined in pay equity legislation is fundamental to the program because it circumscribes the area in which job comparisons can be made. In the Green Paper, three definitions of establishment are suggested: functional, geographic, and corporate.

Corporate Definition

A corporate definition of establishment would include all operations within a given corporate entity. For those supporting the corporate definition, its appeal lay in the broad application it offered for pay equity implementation.

The Business and Professional Women's Clubs of Ontario, concerned that the definition of establishment might enable employers to evade the requirements of pay equity, supported a corporate definition covering "related employers," as in Section 1(4) of The Ontario Labour Relations Act and Section 12(1) of The Employment Standards Act.[1] This definition won the support of the Equal Pay Coalition, which explained that it includes "associated or related activities, business, trades or undertakings" under "common control or direction."[2]

The broad concept found favour with many groups, including the Young Women's Christian Association (YWCA) of Metropolitan Toronto. The latter stressed the importance of including the increasing number of "small corporate entities with the same ownership" that are being established in different locations, and it suggested further examination of the British definition of establishment, which specifies an "associate employer" and covers businesses owned by the same entity and set up as different corporations.[3]

The Business Pay Equity Task Force (representing Beaver Lumber, Goodyear Canada, the Molson Companies, Spar Aerospace, Suncor and Texaco Canada) stated: "Defining 'establishment' is crucial. (It) should be the employer — since it is the employer who is responsible for hiring and paying employees," but added: "Such definition must, however, recognize geographical exceptions."[4] The Canadian Association of Women Executives (CAWE) recommended a single corporate entity, but also qualified their position: "We would like to avoid making separate job ratings in each location mandatory."[5]

The OFL wanted establishment to be defined as "all employees working for one employer within Ontario,"[6] a viewpoint supported by a number of groups, including the United Steelworkers of America, the Labour Council of Metropolitan Toronto, the Dryden District Labour Council, the United Food and Commercial Workers and Times Change Women's Employment Service.

The President, the Co-ordinator for the Status of Women and Local 2424 of the Canadian Union of Public Employees (CUPE), all from Carleton University, were agreed on this point. The president said, "I fear that unless 'establishment' is defined very broadly, many women and some men whose work is presently undervalued will be excluded from the legislation."[7]

The Social Planning Council of Oshawa-Whitby was equally concerned with covering as many employees as possible, stating that a "broad definition is necessary to ensure that workers in diverse industries (such) as, for example, breweries and dairies, controlled by the same parent company, receive equivalent consideration."[8]

The Durham West Liberal Association also advocated a corporate definition and added "where a corporation restructures itself in order to avoid pay equity legislation the designated agency must have the ability to define such a restructured corporation as a single corporate entity for the purposes of the legislation."[9]

Women Working with Immigrant Women agreed, stipulating that certain safeguards should be built into the legislation to ensure that, even in the event of a corporate reorganization, employers would still be covered under this broad definition.[10]

Christine Elwell, a lawyer with the law firm of MacLean, Chercover, stressed the importance of covering transfers or disposition of establishments, and stated that

it should "not be necessary to prove that the purpose of such transfer or activity is to establish or maintain wage differences between male and female employees."[11] Similarly, a corporate definition "with appropriate restrictions regarding the restructuring of corporations" was favoured by the Day Care Advisory Committee of Metropolitan Toronto.[12]

"For the municipal sector, 'establishment' should be defined as that which covers all jobs within the municipal corporation," said the Association of Municipalities of Ontario (AMO), "subject to differences in pay outcomes attributed to negotiated versus arbitrated settlements arising from differences in collective bargaining legislation."[13] The Municipality of Metropolitan Toronto recommended that a corporate definition "be more precisely defined to exclude such related agencies as municipal boards, commissions, purchased services and contractors."[14]

Geographic Definition

In a geographic definition of establishment, a specific geographic boundary would delineate the area in which job comparisons were made. If regional municipalities were used as boundaries, for example, employers with operations in a variety of regional municipalities would not make comparisons between the different operations.

Fiberglas Canada Inc. stated that the company's compensation policy for most of its employees is based on geographic location. "The rationale is that we must be competitive within a local community, and since there are significant differences from one local community to another, these must be recognized to hire and hold staff."[15]

In a written brief, Professor Eric Cousineau, from the School of Business at Queen's University, recommended that locational variables be recognized, and stated, "Equity is not only based on the absolute value of the pay packet, but also on what that pay packet may purchase within a given area."[16] Polysar Limited also supported a geographic definition, stating that "the evaluation systems we use may produce the same value but the salary comparisons are based on the market in each location and do produce different salaries."[17]

Not all presenters agreed on the merits of a geographic definition. The United Steelworkers said: "We routinely co-ordinate bargaining of different plants of the same corporation in order to ensure that all our members receive the same wages and benefits regardless of their location. It is our belief that the alternative

'geographic' definition will permit corporations to move their operations in order to escape pay equity comparisons. Our union has a great deal of experience with employers who try to decertify the union simply by moving out of a geographic area. We do not want to be faced with similar problems with pay equity."[18]

The Federation of Women Teachers' Associations of Ontario (FWTAO) and the Equal Pay Coalition also saw dangers in a geographic definition. The latter group stated: "Women working in Kingston should be able to compare their work with men who work for the same employer in Belleville. (A geographic) definition would encourage employers to gerrymander their business locations and would interfere with province-wide bargaining."[19]

Functional Definition

If a functional definition applied, employees covered by a common set of personnel and compensation policies in the same company would constitute an establishment. Each collective agreement was seen by some groups as a set of personnel and compensation policies; therefore, a functional definition for establishment was interpreted as one that would not permit comparisons between bargaining units or between unionized and non-unionized employees.

The Business and Professional Women's Clubs of Ontario opposed a functional definition, predicting that an employer "might be able to evade the pay equity legislation by using different personnel policies in different locations."[20]

CUPE Local 79, one of the largest municipal locals in Canada, stated, "Our members need to be able to look to jobs in the predominantly male bargaining units with the same employer for the purposes of making comparisons." They illustrated their point with an example from their own local: nursing attendants in homes for the aged who care for elderly residents receive 25 per cent less in wages than farm attendants in a separate bargaining unit who feed and care for animals on the Toronto Island Farm. If wage comparisons between bargaining units were disallowed, they said, the lower-paid women would have no opportunity to rectify the gap in pay.[21]

The Retail Council of Canada supported a functional definition as most appropriate for their member companies. They explained that, "within these companies, there are different types of personnel and compensation policies, some of which apply for employees right across Canada while others may apply in relation to a local labour market."[22] The council qualified their position,

however, stating that "in the final analysis companies should be left to determine the definition of establishment which is most logical to their type of business, their personnel policies, and the labour markets from which they draw."[23]

A functional definition was rejected by the Equal Pay Coalition on the grounds that "it would limit cross-bargaining unit and employee-supervisory comparisons," and "would invite employers to arrange their personnel and compensation policies to produce artificial differences between different departments or locations."[24]

A Combined Approach

A number of groups recommended that the geographic and functional definitions of establishment should be combined, so that employees would be required to meet two criteria: they would have to be covered by the same personnel and compensation policies, and they would have to share the same geographic area.

The definition of establishment "should recognize and preserve the realities of regional markets and rates of pay and differentials achieved through union negotiation," said the Canadian Federation of Independent Business. "Regional pay differentials legitimately reflect differences in local markets including cost of living and doing business therein. Ignoring this reality would encourage employees to seek comparisons to jobs with the highest regional pay. Similarly, pay differentials achieved through the bargaining strength of a particular union would be the target for other union and non-union groups in the firm seeking to 'coat-tail'."[25]

The Board of Trade of Metropolitan Toronto and the Ontario Hospital Association agreed with a two-pronged definition of establishment, pointing out that a wider definition would encourage wage adjustments that are not due to past discrimination.

For the Association of Large School Boards in Ontario (ALSBO), the geographic definition is compatible with the existing structure of school boards, as "employer" is currently defined as the local board of education. At the same time, ALSBO did not favour job comparisons between bargaining units; they said that it "is essential to carefully delineate the legislation so as to avoid making comparisons which would reveal disparities clearly not caused by discrimination."[26]

The Central Ontario Industrial Relations Institute also voiced support for the combined definition; although it would "considerably reduce the scope of comparisons between employee groups," they said, it would also "make it easier to apply the principles of equal pay to those remaining situations."[27] Additional groups in favour of this definition included the Ontario Mining Association and the Ontario Division of the Canadian Manufacturers' Association (CMA). The CMA reasoned that such a combination "recognizes the complexity and diversity of private sector organizational structures and compensation policies."[28]

Flexibility

A number of groups said that flexibility must be built into the definition of establishment if appropriate comparisons are to be made. The Sudbury Women's Action Group was concerned that "too rigid a definition will mean that some workers will not be treated fairly." They noted, for example, that "the first case covered under Canadian Human Rights legislation used a strictly regional definition of establishment, examining the position of nurses in two specific penitentiaries; the case of the federal librarians, however, compared workers across the country. One of those cases would have been lost if a uniform definition had been used."[29] Provision should also be made, said the group, for both employers and complainants to "appeal to the Commission for more flexible definitions in particular cases."[30]

Woods Gordon Management Consultants recommended that employers should ultimately be responsible for their own definition, under "reasonably simple, yet flexible guidelines" established by the government. "In the event of a complaint, the onus would then be on the employer to defend his definition as being appropriate and in accordance with both the spirit and the intent of the legislation."[31] This type of flexibility will recognize, in this firm's view, each organization's unique needs.

Franchises and Chain Operations

Franchises and chain operations often entered the discussion of a definition for establishment. Will a franchise be autonomous? Should all chains constitute one establishment?

As the Durham West Liberal Association stated: "Franchise operations present a special case. In operations where the franchiser (owner) has primary control over job descriptions and salary administration all franchises within the operation

should be considered to be a single entity. If the franchisee (purchaser) has primary control then each franchise should be considered as an independent entity. Under this latter situation several franchises operated by a single franchisee would constitute one entity provided that all of the franchises were owned by the same franchiser."[32]

The Law Union of Ontario, the Sudbury Business and Professional Women's Club and the Sudbury Women Teachers' Association supported a corporate definition of establishment that would include related businesses such as franchises. General Motors of Canada (GM) expressed concern about this issue, pointing out that dealerships are separate units with contractual arrangements with GM, and "may be considered by some to be a part of the overall GM establishment."[33] GM also asked: "How does one determine the 'establishment' for independent operations that nevertheless conform to a common standard?"[34]

The Ottawa Women's Lobby recommended the following guidelines: "If pay decisions are made centrally, then pay equity would apply to the entire franchise operation as a single establishment; if pay decisions are made locally, then pay equity would apply to each local franchise as a separate establishment. In cases where job content is standardized across a franchise, for example, the duties of cashiers, cooks and waitresses, then equal value could be established for the chain as a whole and pay equity implementation monitored for each outlet."[35]

Broader Comparisons

As the Green Paper pointed out:

> One important consequence of almost any definition of "establishment" should, however, be noted. In some establishments, there may be no male employees or male-predominated jobs with which to compare what has been perceived to be an undervalued female job. (p. 5)

This issue was of particular concern for day-care workers. Times Change and other groups pointed out that female workers in day-care centres do not have male comparison groups, although "it is widely recognized that the work of caring for children, traditionally considered women's work, is undervalued and greatly underpaid."[36] Furthermore, they stated that "it would not be difficult to base salaries on the scales developed in larger organizations, where comparisons with male workers are available, or (on) a proportional method."[37]

The Ontario Coalition for Better Daycare endorsed this suggestion, pointing out that 99 per cent of day-care workers are women.[38] The Ottawa-Carleton Daycare Workers (CUPE Local 2204) made an additional observation. Because municipal day-care workers could seek wage parity with male-predominated groups, whereas day-care workers in non-municipal centres would have no male groups to which to compare themselves, they warned that "a two-tier" wage system may emerge, with those working for large employers earning significantly more.[39]

The Metropolitan Toronto District Council of CUPE proposed expanding the definition of establishment to include "purchase of service" agreements. This, they suggested, would allow workers in non-profit, non-municipal day-care centres to be covered through greater access to job comparisons.[40]

Local 1996, representing approximately 800 full and part-time workers of the Toronto Public Library (of which 95 per cent are female), rejected a restrictive definition of establishment. "Fair pay is, after all, not fair if one workplace chronically underpays its employees because they are women and have no right to compare their jobs to ones in 'establishments' with more equitable wage and benefit packages."[41]

CUPE Local 771, representing the North York Public Library Employees Union, wanted "access to comparison to the jobs of the other bargaining units" in the municipality, and pointed out that "a male-dominated job sometimes suffers from association with the library female job ghetto."[42] An audio-electrical technician with the City of North York's outdoor workers, they said, is paid $53 more a week than the audio-visual technician in the library, yet both need similar skills and qualifications, and both repair audio-visual equipment. "Comparison to male jobs which are themselves undervalued is not going to achieve fairness."[43]

The Ontario Nurses' Association (ONA) had similar reservations, but the issues they raised were different. A narrow definition, in their view, would highlight wage discrepancies between nurses working in nursing homes, hospitals and public health units. The ONA stated, "Since health agencies receive funding, either directly or indirectly, from the Ontario government, ONA members work in what is termed the 'quasi-public' sector and the bounds of this sector define 'establishment' for our members."[44]

Women Today, a Huron County group, endorsed the concept of making comparisons beyond a single employer's establishment. Small business is the major employer in Huron County, said the group, and many women would have no male comparisons.[45]

The Automotive Parts Manufacturers' Association of Canada (APMA) stated: "The broader the definition (of establishment), the more serious the implications for an employer. It is possible that any worker regardless of sex could go anywhere in Ontario and demand wages equal to anyone else, regardless of the need, competence or the ability of the employer to meet those demands."[46] Even a narrow definition of establishment would not be appropriate, according to the APMA, because in some cases in a single establishment, some workers may be at different compensation levels; employees "producing a relatively unsophisticated product" may work close to others who are making "high technology parts for vehicle companies."[47] These products serve different markets within the auto industry.

HIGHLIGHTS

- *Realizing that the scope of job comparison is dependent on the definition of establishment, a number of groups argued that a corporate definition allowing for broad job comparisons would be the best alternative.*

- *Some employer groups favoured the geographic or functional definitions, on the grounds that they would ensure that the wage adjustments were made only to correct genuine pay inequities and not to reduce defensible differences in pay.*

- *Other groups preferred to wed the geographic and functional definitions; several suggested that guidelines should be flexible so that employers could establish an appropriate definition for themselves.*

- *Specific treatment of franchise operations was discussed and attention also focused on making broader comparisons to accommodate the specific groups that would otherwise be excluded from pay equity.*

CHAPTER 3

GENDER PREDOMINANCE

The Green Paper provides as follows:

> A key definition in the implementation of pay equity is that of gender predominance, because even where an individual employee may initiate the complaint, comparisons will tend to be between male and female-predominated occupations. The issue of gender predominance thus arises in two ways. On the one hand, it is necessary to determine whether the occupation of the lower paid employee is predominantly female. On the other hand, it is necessary to determine whether the more highly paid occupation is predominantly male. If both questions are answered in the affirmative, then the pay equity comparison can be made. (p. 18)

The issue of gender predominance is central to pay equity. A number of presenters questioned the concept of gender predominance. Others supported the concept but differed on how it would be determined.

Opposition to Gender Predominance

"We do not support using a gender predominance model for identifying jobs which should be scrutinized under proposed pay equity legislation," said the Ad Hoc Committee on Pay Equity, a group of human resources practitioners. "We believe internal equity should be determined for all jobs within an organization and in this manner, any inequities against traditionally female jobs will be identified, as well as inequities that may have impacted male jobs."[1] The committee also noted that "the selection of any percentage of gender predominance could be in conflict with employment equity efforts which attempt to move women into non-traditional jobs ... the very success of (such) employment equity effort(s) may reduce the gender predominance such that it thwarts pay equity efforts."[2]

The City of Toronto added their support to this position. "Every individual should be protected," said Mayor Art Eggleton, on behalf of the City of Toronto, and "focus must remain on duties rather than the sex of the incumbent."[3] This policy was endorsed by the Chinese Canadian National Council.

The Municipality of Metropolitan Toronto recommended that "gender predominance not be the sole basis for equal value comparisons.... (Possibly) more appropriate internal comparisons exist between female-predominated jobs and jobs

which contain a more proportional mix of incumbents. Metro Equal Employment Opportunity Division statistics indicate that the average wage rate of positions which are dominated by neither gender tends to be similar to the average wage rate of male-predominated jobs."[4]

Support for Gender Predominance

Many groups supported the use of gender predominance to determine which workers are eligible for job comparisons and which are not, but suggestions varied as to the form the definition should take.

The use of numerical cut-offs to define a female-predominated or male-predominated occupation prompted considerable discussion. Manitoba legislation, for example, designated a level of 70 per cent for gender predominance, with a minimum group size of 10, and a possibility of negotiating additional groups or setting other standards by regulation. Federal legislation, on the other hand, previously did not specify what constituted gender predominance.*

The FWTAO suggested that if numerical cut-offs are adopted for establishing gender predominance, an argument could be put forward that female predominance should be set at 45 per cent, since 44 per cent of the Ontario workforce is female.[5] This concept was supported by CUPE Local 79, the North York Women Teachers' Association and the Equal Pay Coalition.

"The threshold for establishing gender predominance should initially be set at 66.6 per cent of total full-time employees in a group under consideration," said the Durham West Liberal Association. After the initial stage of "five to ten years, this threshold should begin dropping until it reaches the 51 per cent level. This will allow pay equity to be implemented in the most severely affected areas first."[6]

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*Guidelines proposed by the Canadian Human Rights Commission, however, would create a sliding scale, based on the size of the employee population. The proposed cut-offs for both female and male-predominated groups are:

Fewer than 100 employees	70 per cent
100 - 500 employees	60 per cent
More than 500 employees	55 per cent

This graduated approach was favoured by the Board of Trade of Metropolitan Toronto, which suggested that gender predominance start at 90 per cent and decrease by 5 per cent per annum until 70 per cent is attained.[7] ALSBO and the Ontario Hospital Association endorsed their proposal.

The Manitoba figure of 70 per cent for gender predominance won approval from some employer groups, including the Ontario Mining Association, which thought this formula "simple, easily calculated, and easily understood."[8] Ontario Hydro and the Municipal Electric Association agreed that the applicable figure should be no less than 70 per cent and, said Ontario Hydro, this could be adjusted downwards for specific job classes where appropriate.[9]

Several groups, including the Equal Pay Coalition and the OFL, cited the fact that a percentage figure of 70 per cent would have meant that all but one of the federal cases for equal value settlements would have been unsuccessful.*

The Retail Council of Canada recommended that percentages should be set as high as possible, especially for small business, to permit the implementation of "employment policies which would neutralize gender predominance."[10] Too high a percentage, however, said the Ontario Public School Trustees' Association, would exclude so many that "pay equity would not have any application." Conversely, "too low a definition would include so many" that the program would be "unworkable."[11]

"Fixed percentages and sliding scales have been used and both are flawed by their arbitrary cut-off points,"[12] stressed the ONA, adding that for very small establishments industry averages could be applied to determine male and female-predominated occupations in a given company.

Presenters often advocated flexibility in the definition of gender predominance. It was pointed out by the Equal Pay Coalition and the Business and Professional Women's Clubs of London and Stratford that Great Britain's equal value legislation does not define male or female-predominated jobs. Imposing a numerical cut-off

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*In the cases referred to, the female librarians, who were compared to male archivists and awarded from $500 to $6,000 to correct inequities, made up only 65 per cent of the total number of workers. Almost 3,000 general, food and laundry service workers who won average settlements of $5,000 worked in categories which were 60 per cent, 52 per cent and 59 per cent female.

in Ontario could, said the coalition, "work like a guillotine and automatically exclude large numbers of women...."[13]

Polysar Limited and other groups, including the Labour Council of Metropolitan Toronto, the Ontario Public Service Employees' Union (OPSEU), Charles Caccia, M.P. and CUPE Local 2424, also recommended a flexible approach — one that would take into account such factors as historical patterns and the size of the establishment. This is particularly necessary as men move into occupations that have traditionally been women's preserves, stressed the Sudbury Women's Centre.[14] It is especially important, said the CUPE Sudbury Area Council, to know which gender predominated at the time that the pay scale was established.[15]

"We feel that the legislation should be flexible and take into consideration the historical background of the designated occupation so that employers cannot circumvent the intent of the legislation by changing the ratio of men and women in the occupation," said the Business and Professional Women's Clubs of London and Stratford. "The wages may be low because the job used to be considered 'women's work'."[16]

Some groups that supported a flexible approach suggested that it could be determined by the employer or achieved through negotiation. The Ontario Division of CUPE recommended that the question of gender predominance "be left up to the employer and union concerned...."[17] It should be borne in mind, the group pointed out, that the pay rates of some jobs now performed by women reflect a history of male predominance. CUPE used the example of female secretaries working for the Hamilton School Board in the historically male maintenance unit, who were paid "about $2,000 more than the secretaries in the female, clerical unit, although they were doing the same kind of work."[18]

CUPE Local 1000, representing 16,000 Ontario Hydro workers across the province, recommended "allowing the company to negotiate with its employees the issue of gender predominance."[19] Several groups agreed, including the FWTAO, the United Steelworkers, CUPE Metropolitan Toronto District Council and CREF, which suggested that this should be combined with the right of appeal to a pay equity agency.[20]

Employers should be "allowed to develop their own formula for gender predominance," said the Ontario Trucking Association. "In a unionized environment this could be negotiated by the employer and the union."[21]

Historical patterns and gender-predominance fluctuations, as well as workforce size and a reasonable period of stability, could serve to assess the appropriateness of levels set by employers, recommended AMO,[22] and therefore "the level of gender predominance will differ from employer to employer."[23] The association would leave this determination to the employer, subject to the approval of a pay equity enforcement agency.[24]

Additional Recommendations for Comparisons

Some presenters raised the question of how "occupation" should be defined, and whether there should be a certain number of employees in an occupation before comparisons can be made.

CUPE Local 2424 did not want a narrow definition of occupations. They speculated that employers could "opt out of future pay equity legislation by changing job titles or by drawing occupational lines in a certain way."[25]

The Ottawa Women's Lobby cited a hypothetical case of an occupational group called "hospital workers," comprised of female nursing assistants and male orderlies. The employer could claim that this group is not predominantly male, nor predominantly female, and therefore the legislation does not apply, said the group. "Comparisons between individuals, between parts of groups," are needed to combat this form of evasion, they declared.[26]

Ontario Hydro and the Municipal Electric Association made recommendations concerning the timing of gender predominance calculation and the number of employees necessary before the definition can be applied. Gender predominance should be determined, they stated, as of the date upon which an organization is required to comply with legislation, and the Municipal Electric Association suggested a minimum of five incumbents in a job before predominance is determined and comparisons are allowed.[27]

The CMA favoured a minimum of 10 employees in a group, as did the Personnel Association of Ontario and the Canadian Federation of Independent Business. Such a definition would provide "only for comparisons between jobs where systemic discrimination could realistically have occurred," said the CMA.[28]

"It is disturbing to think that the rates of pay of dozens, perhaps hundreds of females may hinge on the rate of pay of a job classification occupied by a solitary

male employee,"[29] stated the Toronto Transit Commission. It recommended that jobs with one incumbent should not be eligible for comparisons.

The Ontario Coalition for Better Daycare stated that "daycare workers are often in settings where there are very few men. Therefore, it is very important that the legislation not impose a minimum number of workers in a classification to qualify for job comparisons. Daycare workers must be able to compare their work to any male-dominated job, regardless of the number of male incumbents."[30]

Male Eligibility

Some groups misunderstood the second premise of the Green Paper, which states that only employees in female-predominated jobs would receive pay equity adjustments. The intention of the Green Paper is to include male employees in female-predominated categories, but some groups assumed that only women in these categories would be eligible. As a result, they stressed that coverage should extend to males, who should also be able to file complaints or initiate job comparisons.

The Ontario Division of CUPE stated, "It is implied that, while men in female-predominated work will have their pay raised as a result of pay equity, they will not themselves be able to make a complaint.... Men, like women, should have the right to file a complaint if they feel their salary is unjustly low as a result of their doing work traditionally performed by women."[31] The Sudbury Business and Professional Women's Club and CUPE Local 1000 also supported this view.

ALSBO warned that the application of pay equity to female employees only would create "morale problems" for male workers in "undervalued jobs" and possible legal challenges to the legislation under the Charter of Rights and Freedoms.[32] In their brief the Equal Pay Coalition noted, "a small number of cases can be expected to arise where men within a given establishment have come to predominate in an occupation traditionally reserved for women.... It is vital that equal value legislation respond to the needs of both male and female workers where gender influences the rate of pay."[33]

Legal and Constitutional Questions

Some groups discussed the issue of gender predominance in terms of its legal and constitutional implications.

The Business and Professional Women's Clubs of Ontario pointed out that bureaucratic distinctions regarding gender predominance could bring the pay equity law into discredit, and be used primarily as a "playground for legal wrangles to evade the intent of legislation."[34]

If restrictive numbers are enshrined in legislation, warned the FWTAO, they will be "an invitation to litigation." They are "completely indefensible, legally and morally," and could amount to "a very widespread exemption for small business."[35] The International Labour Organization Convention, which does not include gender predominance restrictions, was ratified by Ontario and Canada, said the FWTAO. The Charter of Rights, moreover, "requires equal benefits and equal protection of the law (for) every individual."[36]

Any gender predominance threshold that restricts the initiation of complaints would be a direct violation of Section 15 of the Charter, PSAC charged.[37] This viewpoint was also expressed by the National Action Committee on the Status of Women, which stated that "gender predominance limits may be held to contravene the equality rights section of the Canadian Charter of Rights and Freedoms. Such distinction between groups could possibly be defended as a 'reasonable limit' within the Charter, if the categories can be rationally justified.... At the same time, baseless distinctions" could prompt employers to challenge the legislation, which could "stymie the implementation of equal pay for years, and possibly ultimately result in a court order invalidating the entire approach."[38]

Times Change urged that the spirit of the legislation should prevail over "legalistic hair-splitting, or policies designed more to exclude than include affected female workers."[39]

HIGHLIGHTS

- *Gender predominance was rejected by some groups as a component of pay equity implementation. Others advised flexibility in the definition of this term.*

- *Percentage guidelines or standards were sometimes recommended. Those advocating this measure reasoned that such standards would clearly define the employees in need of pay equity adjustments. Suggestions varied as to the actual percentage that would be appropriate.*

- *A number of groups warned that gender predominance regulations would offer an opportunity to evade pay equity legislation.*

- *Certain legal and constitutional questions were raised. Gender predominance standards could constitute a violation of the Charter of Rights and Freedoms, it was suggested. This might lead to court challenges that could invalidate the approach.*

CHAPTER 4

COVERAGE AND EXEMPTIONS

According to the Green Paper:

> The three major models, complaint-based, employer-initiated and integrated, could apply to all broader public and private sector employers. However, there could be exceptions, for example, size. As an alternative to exceptions, the phase-in could recognize considerations relevant to employers of different sizes and sectors. (p. 34) ... Under the employer-initiated model or integrated approach, the phase-in could be related to the size of the employer, based on the number of employees in the establishment. This differentiation is based on the assumption that smaller or medium-size employers might have fewer resources and be less likely to have job evaluation systems than larger employers. (p. 35)

The public consultations offered presenters an opportunity to address the issue of pay equity's application — legislation could be applied universally, for example, or it could allow certain groups to be exempted from pay equity regulations.

Broad Coverage

Many groups insisted that no employers or business sectors should be excused from implementing pay equity. They said that legislation should provide coverage to all Ontario workers.

The OFL, Times Change, the Northwestern Ontario Women's Decade Council and CAWE were among the groups taking this position. According to Times Change, "to be effective and fair," pay equity legislation must be "implemented by all employers without exception, by public, private, non-profit, large, medium and small." [1]

It was also felt that exemptions for certain employers or sectors would be unfair to the employees who would be left ineligible. The United Food and Commercial Workers International Union made this argument, declaring that the exclusion of a large number of women from pay equity "would merely perpetuate the discrimination many of them now face."[2]

A number of groups, including the Equal Pay Coalition and the FWTAO, pointed to the Canadian Human Rights Act and the Quebec Charter of Human Rights and Freedoms which do not allow exemptions to coverage under their pay equity provisions. Both documents apply to public and private sectors alike.

Coverage of the Broader Public Sector

Several groups recommended that broader public sector employers be covered under the pay equity legislation introduced for the public service.* These groups argued that the government should use the same definition of broader public sector employers that was outlined in the 1983 Prices and Compensation Review Act. The ONA, in their brief, questioned limited coverage. "Why suddenly, when a broad definition would be beneficial to our members, is legislation introduced whose definition of the public sector is limited to the public service and crown corporations?"[3] Groups supporting this position included the Ontario Division of CUPE, the University of Western Ontario Staff Association and the Service Employees International Union.

Many labour unions and women's groups recommended the introduction of a single piece of legislation for both the private and public sectors. These groups took the view that this would ensure uniform, consistent coverage for all Ontario workers. The Ottawa chapter of Organized Working Women and the Ottawa and District Labour Council, along with the London Status of Women Action Group and the Waterloo County Women Teachers' Association, were among those supporting this course of action.

Possible Exemptions

Some business and employer groups, including the Canadian Organization of Small Business, recommended exemptions for smaller and medium-sized businesses that cannot afford the personnel or the financial resources required to develop or implement a job evaluation scheme. Polysar Limited shared this position. "From our own experience in administering a job evaluation system," they said, "we

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*Bill 105, the Public Service Pay Equity Act, was introduced in February 1986 in keeping with the government's commitment to introduce legislation for the public service. The act covers all those employed by the Ontario Public Service, as well as all employees of the six agencies that bargain under the Crown Employees Bargaining Act.

believe the costs incurred per employee would be disproportionately high for a small business asked to implement such a system."[4] Supporters of this view included the Ontario Chamber of Commerce, Mathews, Dinsdale and Clark and the APMA. Two cut-off points that were suggested as qualifications for exemption were these: fewer than 100 employees per establishment, or fewer than 20 employees.

A few presenters opposed exempting small business, claiming that it would provide an unfair competitive advantage to smaller employers. The Retail Council of Canada argued that the exclusion of small business would be discriminatory against other medium-sized and larger employers who would be subject to pay equity legislation.[5] CAWE shared this view, stating that any exclusion of smaller business would "create inequities in the market."[6]

Organized labour and women's groups took a strong position against exemptions for smaller and medium-sized employers. They argued that exclusions would be inequitable to the working women in the smaller establishments who would not be covered. The Chinese Canadian National Council said: "To apply size restrictions on the application of pay equity would be analogous to limiting the coverage of minimum wage regulations to companies of a certain size.... Statistics show that thirty per cent of women in Ontario work in firms where there are less than twenty employees. This is particularly common among Chinese Canadian women who work in small factories, restaurants, or in the laundry business."[7]

The Coalition of Visible Minority Women made the same point. "Exempting 'small business' from the legislation," said this group, "would be excluding a great majority of visible minority women, since they, like most women in Ontario, work in companies of 50 (employees) or less."[8] Others commented that women in small business are usually underpaid.

The Ad Hoc Committee on Pay Equity noted, in their opposition to any exemption for small business, that these employers can achieve pay equity through the use of a simple, less complex job evaluation system known as "factor-paired comparisons." The committee pointed out that firms can adopt the program through methods appropriate to their sizes and needs.[9]

A number of groups believed that pay equity legislation should offer some form of flexibility for small business, to ease its adjustment to the program. These groups suggested that this could be provided through financial assistance; through

consultative services; or through a grace period that would give them more time to conform to any new requirements that are placed upon them. Polysar Limited suggested "that the government make available special assistance if needed, in the form of monetary allowance or outside expertise for companies of up to 50 employees."[10]

CAWE also recommended that "flexibility be shown" towards small business, through the provision of "information and guidance by means of hotlines, workshops, seminars."[11] A different approach was suggested by CREF: "Businesses with up to 25 employees will not be required to implement a formal system but will be expected to achieve positive results within the four-year timeframe."[12]

Some business and employer groups, including the Canadian Daily Newspaper Publishers Association and the Retail Council of Canada, wanted the entire private sector to be excluded from pay equity legislation, citing the increased costs and the additional administrative burden as their reasons.

Specific industries also requested exemption status. The Accommodation Motel Ontario Association recommended that their industry be exempt because "employment positions are fluid in nature," requiring "individuals to learn and perform a variety of tasks and responsibilities on a regular or rotating basis." The association said that the cost of imposing pay equity on the tourism and hospitality industry would be too high.[13] This position was endorsed by the Association of Ontario Motels and Motor Inns.

The APMA was another group that requested an industry-specific exemption. "In the automotive parts industry," they said, "perhaps an allowable exception should be made for all companies ... covered by the Automotive Products Trade Agreement." They felt that this exemption would ensure that the legislation would not apply when a company was competing with another company in a jurisdiction that was not covered by pay equity.[14]

Part-time, Casual and Contract Workers

The issue of coverage for part-time, casual and contract workers was also discussed in group presentations and briefs. Labour and women's groups generally recommended including all of these workers under pay equity provisions. "Part-time work does not mean less responsibility, less skill or less importance to the

employer," said the Oshawa YWCA.[15] The Provincial Women's Committee of OPSEU suggested that "students" and "trainees" should also be included.[16]

ALSBO disagreed, however. This association recommended that casual employees, students employed during the school vacation term, and senior managerial employees with a significant role in policy-setting should be exempted from the provisions of pay equity.[17] The Personnel Association of Ontario felt that "categories of employment exempted from coverage under Regulation 205 of the Employment Standards Act should generally also be exempted from the proposed legislation, for example, students working under work experience programs." The association also suggested exemptions for proprietors, temporary workers and major shareholders.[18]

A firm position against the inclusion of temporary workers, as distinct from part-time workers, was taken by the CMA, which stated: "Only full-time and part-time regular employees defined as those receiving company benefits as exist should be covered by any pay equity legislation. Employees such as students and casual workers, who are typically not included in the job evaluation process, should be exempt from any legislation."[19]

It was pointed out in a joint presentation by the OPSEU Provincial Women's Committee and the Women's Committee of the Thunder Bay and District Labour Council that there is a danger that many businesses may "contract work out that was performed by regular staff," in order to avoid pay equity legislation.[20]

Pay Equity Studies

A number of business and employer groups called for more study of the possible costs and economic side effects of a pay equity policy before it is implemented.

The Apparel Manufacturers Association of Ontario requested that their industry be exempt from pay equity legislation until an economic impact study is completed on the effects of such legislation on the industry.[21]

Other groups recommended the completion of cost impact studies, including a more detailed cost and benefit analysis, before pay equity is implemented in the private sector. Groups taking this position included the Council of Ontario Contractors Association, the CMA, the Ontario Chamber of Commerce and the Board of Trade of Metropolitan Toronto.

HIGHLIGHTS

- *Much of the discussion concerning coverage and exemption focused on the issue of a possible exemption for smaller and medium-sized businesses. Groups favouring an exemption for small business pointed out that the cost and administrative burden of implementing a pay equity program would be disproportionately high for smaller employers.*

- *Groups opposing a small-business exemption generally preferred legislation with the broadest employer coverage possible, but recommended sufficient flexibility to allow small business to meet any new requirements the program demands.*

- *Several groups recommended that all workers be covered under pay equity legislation — including students, trainees, part-time, casual and temporary employees. Groups opposing this type of large-scale coverage suggested that pay equity should apply only to workers who are typically included within the job evaluation process.*

- *A number of presentations recommended that all broader public sector employees should be covered under the legislation introduced for the public service. Such coverage would be consistent with the 1983 wage restraint legislation.*

- *An exemption for specific industries was rarely discussed.*

CHAPTER 5

JOB EVALUATION

According to the Green Paper:

> Job evaluation refers to the process used by employers in determining the comparative value of the individual job, or groups of jobs within an organization. Job evaluation methodologies attempt to balance internal equity with external equity, i.e., they are used to establish equitable pay relationships between the jobs within a firm, while simultaneously ensuring that wages reflect prevailing market conditions. Pay equity, as a component of internal equity, introduces a third dimension to conventional job evaluation analyses.
>
> Up to the present time, job comparisons have usually been confined to similar types of work (i.e. equal work). Implementation of pay equity will necessitate comparisons between dissimilar jobs to determine whether, based on the same standard of evaluation, these are of equal value to the employer.... Existing job evaluation systems may be used to assess equal value to the extent that approaches are not gender biased and are applicable to different types of jobs. (p. 20)

Two key questions contained in the Green Paper were these: "What are the terms 'equal pay' and 'equal value' to mean in practice? How can gender bias be identified and removed from job evaluation and wage-setting practices?" Many submissions addressed these issues.

Job Evaluation Methodologies

Presenters often discussed job evaluation methodology, commenting on the current state of the art. They debated the question of legislating job evaluation and discussed the impact of pay equity on employers' existing practices.

Personnel Systems noted that job evaluation, though at times subjective, is viable in terms of identifying pay inequities. "It is a fact that job evaluation is an imprecise tool and subjectivity has always been a concern.... Much of the subjectivity and bias, however, can be removed if the job evaluation system is properly conceived and implemented."[1]

This point of view was shared by the Ontario Committee on the Status of Women. "There is no (job evaluation) method that we feel is gender-bias free at this point but many methods could be made this way."[2]

Woods Gordon Management Consultants also addressed the problems associated with job evaluation. "Many job evaluation schemes which measure the attributes of incumbents rather than the value of the work performed have a strong potential to be inherently gender biased." To remove these biases, Woods Gordon offered the following remedial steps: "We suggest the use of in-house task forces, composed of equal representation of both males and females from a cross-section of organizational levels, to examine these issues and reach agreement and consensus on their resolution."[3]

Several groups remained skeptical, however, believing that the subjectivity within job evaluation systems is so extreme that the scheme has been rendered almost meaningless. According to Cummings Signs of Canada (1984) Ltd., "It is impossible to accurately or objectively determine the value of jobs which are not at least similar.... Whatever system is used, the results will necessarily reflect the value judgements of an evaluator...."[4] The CMA agreed: "Job evaluation is not an exact science.... What it provides is a systematic or objective framework in which to make subjective value judgements...."[5]

The Canadian Federation of Independent Business believed that job evaluation was not viable for small business. These "techniques were designed for use in large organizations with formal personnel systems. They are ... ill-suited to the small firms setting in which job tasks are quite fluid ... and (where) there are no personnel specialists, no personnel department."[6]

Legislated Job Evaluation

The Green Paper states that "a single job evaluation methodology is unlikely to be endorsed throughout Ontario." (p.21) This approach was supported by a large cross-section of groups, including the Business and Professional Women's Clubs of Ontario, OPSEU members at Seneca College, the Sudbury Women's Action Group, the Ontario Mining Association and the CMA. According to the Sudbury Women's Action Group, "it is neither realistic nor desirable to impose one job evaluation methodology on all employers."[7] The Co-ordinator for the Status of Women at Carleton University agreed. "The thrust should not be on a single, province-wide evaluation system," she said, "but rather on a method for assessing and/or

developing systems according to various standards — bias-free, consistently and reliably applied, producing objectively valid and fair results — that are appropriate to the establishment in question."[8]

Joint Job Evaluation Implementation

According to the Ontario Secondary School Teachers' Federation (OSSTF), "in organized workplaces, the issue of job evaluation methodology should be negotiated between the bargaining agent and the employer."[9]

This view was shared by Local 343 of the Office and Professional Employees International Union, the Ontario Coalition for Better Daycare, the National Union of Provincial Government Employees and the ONA. The United Steelworkers' Co-operative Wage Study was cited as a successful example of joint job evaluation. It is a plan "based on the joint efforts of union and management to determine the relative worth of distinct jobs," said the United Steelworkers.[10]

The prospect of joint job evaluation was opposed by the Ontario Municipal Personnel Association. "OMPA knows of no municipality in Ontario, which having had the experience of joint job evaluation would recommend its adoption to any other municipality.... Given the sensitivity of introducing such a scheme to any organization, involving an additional party and requiring its implementation through negotiation makes the process virtually impossible to manage."[11]

Reducing Gender Bias

The removal of gender bias from job evaluation and pay administration systems, however formal or informal these systems might be, is at the very heart of a pay equity policy. The Green Paper pointed out a number of areas where gender bias might creep into job evaluation and pay administration systems.

Data collection is one such area. The method of data collection chosen must recognize and treat sensitively the differences between male and female jobs, suggested the Green Paper. It also pointed out that evaluators themselves may perpetuate gender bias by conducting evaluations using subjective values.

AMO replied by recommending that the enforcement agency supply "samples of gender-neutral questionnaires that can be used for data collection in conjunction with the job evaluation plan."[12]

The Board of Education for the City of Toronto considered it useful "for the consultation panelists to know that the Board has already indicated its commitment to the principle of pay equity and has begun to move in this direction via the committee established to create a gender-free job evaluation system."[13]

In a combined brief, the Ottawa chapter of Organized Working Women and the Ottawa and District Labour Council concurred that job evaluation is influenced by subjective values. Therefore they stressed the need "for the legislation to provide flexibility in allowing for the development of a variety of pay equity programs."[14]

The Sudbury Women's Action Group agreed that most systems exhibit some gender bias but they remained optimistic about revising job evaluation accordingly. "If we bring to the construction of such a system a knowledge of what some of these biases could be, we can come up with a very good compromise."[15]

Skill, effort, responsibility and working conditions are some of the factors on which job comparisons are based. Hansen Consultants told of their attempts to eliminate gender bias by selecting factors that "embody aspects of all types of jobs and activities associated with 'women's work' — e.g. responsibility for people instead of machines, noise and effects of working with VDT's and computer systems."[16] Woods Gordon Management Consultants stated that "job evaluation systems must be able to demonstrate that they take into account and weigh relative measures of mental demands (characteristic of female-predominated positions) with physical demands (characteristic of male-predominated positions)."[17]

The Ontario Mining Association recommended that the examination of the evaluation method should be restricted to confirmation of the consistent application of a bias-free evaluation method. It also suggested that proper consideration should be given to work-related factors.[18]

Each factor in job evaluation is assigned a value, or weight, and this practice presents another avenue for potential gender bias. The Ontario Committee on the Status of Women noted that "many current job evaluation plans determine the factor weights based on the current wages/salaries paid to jobs. (But) salaries reflect the very cultural values which need to be changed. Therefore any system which ties internal equity to the market is not getting a true sense of the relative worth of jobs within the organization."[19] The Ad Hoc Committee on Pay Equity agreed: "The weighting of compensable factors should be <u>a priori</u>; they should

never be determined from current salaries or market rates since these may be biased."[20]

Personnel Systems also concluded that pay levels should not be set by market influences. Citing the analysis of management specialist Richard I. Henderson on the use of market data alone to determine job value, the group noted that "anyone who recruits, selects and hires personnel knows that there are all kinds of markets for all kinds of jobs.... In reality large employers in most communities establish their own market and small employers who are either unable or unwilling to meet job rates of pay established by the dominant employer do not pay the market rate."[21]

Several employers and presenters from the business community, however, expressed the view that true job evaluation will never be achieved without recourse to the market. This opinion was shared by the APMA, the University Hospital of London, Ontario and the Ontario Chamber of Commerce. According to the Chamber, "it (is) fundamental that the concept of 'value' take into account the external market forces in which the employer competes for labour."[22]

At least one women's group was undeterred by the lack of gender-neutral job evaluation systems. According to the Ontario Council on the Status of Women, "that such an unbiased job evaluation system does not currently exist says nothing about what can be achieved in the future. This is the challenge that the Green Paper presents to human resource and compensation practitioners."[23]

Guidelines

To enable employers to assess their job evaluation practices and ensure that they are free of gender bias, the Green Paper proposed minimum standards. This suggestion found support from a number of groups.

The Municipal Electric Association urged that the legislation should include clear guidelines to define the factors used in job evaluation.[24] AMO concurred with this approach, recommending that "minimum standards for the determination of value be established for employers to apply with job evaluation and in conjunction with these standards, guidelines for application be developed by the enforcement agency that specifically include: samples of acceptable job evaluation plans deemed to be gender-neutral and that span the known methods of job evaluation...."[25]

A similar view was expressed by Polysar Limited: "We recommend that the government issue minimum standards against which employers (will) be asked to evaluate their jobs and the wages paid for these jobs." Polysar added, however, the following caveat: "An employer should be allowed to choose whether to introduce an evaluation system ...(after concluding that the firm's) existing compensation standards are non-discriminatory based on standards provided by the government."[26]

Specific Job Evaluation Approaches

The Ad Hoc Committee on Pay Equity declared that "job evaluation does not have to be sophisticated to be good — in a smaller business with fewer positions, one could use a simpler, more straightforward approach than something that one would use in a very large corporation...."[27] "A system which is likely to meet the needs of (small) organizations is a factor-paired comparison."[28] This method, continued the committee, "could be used in very small organizations. (It would be) easy to understand, easy to develop and shouldn't be all that costly to administer."[29]

The United Steelworkers noted that pay equity could also be achieved under their "Cooperative Wage Study" (CWS) program. CWS is a system by which jobs are classified or rated relative to one another. The CWS program evaluates plant and office jobs according to different sets of factors. The program used for plant workers emphasizes physical effort and working conditions; the program used for office jobs emphasizes mental skill, employment training and experience.

According to the United Steelworkers, "Pay equity under the CWS system requires that wage increments between job classifications rise twice as fast in the office as in the plant. This arises because in the plant there are on average roughly twice as many job classifications under CWS. Thus a job class 10 in the plant is roughly equivalent to a rank of 5 in the office."[30]

HIGHLIGHTS

- *Some groups believed that subjectivity and bias can be removed from job evaluation, while others felt that this was not a realistic goal. There was a consensus, however, on the question of a single job evaluation methodology; legislating a province-wide single job evaluation technique was unacceptable. If an employer has a job evaluation system, groups recommended that it should be used, provided it is free of gender bias.*

- *Regardless of whether a company's job evaluation system is formal or informal, a number of groups agreed that gender bias must be removed from data collection instruments, from factor definitions and from implementation. There was general agreement that minimum standards are needed for employers to ensure that such systems are bias free.*

- *Specific job evaluation techniques were proposed to establish equal value in the workplace. These included a system of job evaluation known as "factor-paired comparison," which could be adapted for use in small business, and the Cooperative Wage Study methodology developed by the United Steelworkers.*

CHAPTER 6

PAY ADJUSTMENTS

According to the Green Paper:

> The term pay, or compensation, generally encompasses a number of components: direct wages or salaries, overtime, stand-by time, merit pay, bonuses, profit sharing, vacation leave, payments of insurance, pension and perquisites.... A determination of what is encompassed by the phrase "equal pay" under the legislation will be required. For example, the International Labour Organization Convention mandating pay equity contemplates a broader definition of pay than simply wages and salaries. The federal government has adopted a "total compensation" approach, involving calculation of all quantifiable payments to employees in the groups at issue. (pp. 23-24)

The issue of actual compensation for wage disparities qualifies as one of the most concrete concerns encountered in the course of the public consultations. Responses were pragmatic in orientation.

Total Compensation

A number of presentations supported a "total compensation" approach. According to CAWE, the definition of pay should include "any form of remuneration payable for work performed by an individual including salaries, commissions, vacation pay, severance pay, bonuses, reasonable value for housing or lodging, transportation, and the value of employee benefits to which the employee is entitled, whether they are used or not."[1] This view was shared by the Business and Professional Women's Clubs of Ontario, the Waterloo County Women Teachers' Association, the Retired Workers of the UAW, the Board of Trade of Metropolitan Toronto and Woods Gordon Management Consultants. Woods Gordon added that "a broad definition of compensation must be used to include all forms of benefits, perquisites, bonuses, and additional forms of direct and indirect compensation and payments in kind."[2]

Lawyer Christine Elwell supported a broad definition of equal pay that would include insurance and pension benefits, since, she said, "there is quite an inadequacy under the present employment standards act and the regulations

thereunder which allow for discrimination based on sex if it is determined on an actuarial basis."[3]

The Congress of Canadian Women suggested that it is essential that the term "pay" include the entire compensation package. "This is particularly important as older women suffer greatly from denial of adequate pensions because of the practice of denying certain employees pension plan participation."[4]

Wages and Salaries

While many employers and businesses supported a total compensation approach, several recommended that pay should include wages and salaries only. Groups taking this position included the CMA, the Municipal Electric Association and the Retail Council of Canada. Some groups added, however, that while the quantifiable portion of a compensation package should be the base salary or wage, "it is important," as Polysar Limited said, "... that benefit entitlement within an establishment be non-discriminatory and guidelines be issued to this effect by the agency responsible for pay legislation."[5] This view was shared by Ontario Hydro, which stated that "the legislation could require that benefits be reviewed separately to determine if there has been discriminatory application of benefits policies."[6]

The Ontario Trucking Association supported a definition of pay that included wages and salaries only. According to this group, "to include all employee benefits would only add an excessive administrative burden to employers."[7]

The Municipality of Metropolitan Toronto explained that they utilized a definition of pay that included salaries only, because the wage gap is calculated on the same basis. "We were trying to keep it apples to apples as much as we could and since the legislation is intended to address the wage gap and the wage gap is calculated currently ... on a straight salary, in trying to assess whether these measures would be effective in addressing that wage gap, we would confine it to salary comparisons."[8]

The construction industry also argued for this limited definition of pay. The Council of Ontario Contractors Associations said, "Total compensation packages are a matter of collective bargaining and it is entirely the union prerogative as to how the package is split into the various benefits."[9]

Wage Adjustments

Once a wage disparity has been acknowledged, how will a pay increase be calculated? Several groups suggested specific yardsticks for wage adjustments. These included the minimum comparable male rate, the average, or the maximum comparable male rate. Other groups suggested a formula approach for making wage adjustments.

Adjusting wages to the minimum comparable male rate was endorsed by Ontario Hydro and the CMA. The CMA noted that "any legislated pay adjustment should be to the minimum rate or to the minimum of the range paid to those employees in male-predominated jobs which are deemed to be of equal value."[10]

Adjustment of wages to the "average" comparable male rate was recommended by the Ottawa Women's Lobby. According to them "to be considered 'equal' we believe that ... 'average' earnings (should) be equal." They added, however, that "maximum potential earnings should also be equal. In other words the salary range for women's jobs should go as high as the salary range for men's jobs."[11]

Those groups recommending adjustment of wages to the maximum comparable male rate included the Affirmative Action Task Force of the City of Windsor[12] and the Business and Professional Women's Clubs of Ontario.[13]

One group that suggested a formula approach to wage adjustments was the Sudbury Women's Action Group. "Pay adjustments ... should be determined by averaging female and male jobs of the same value," they said, "calculating the differences between them and adding that amount to the undervalued female job. New rates of pay for (the) female job should not be more than the maximum nor less than the minimum rates of pay for male jobs."[14]

The Metropolitan Toronto Board of Trade[15] and ALSBO[16] recommended a different formula for wage adjustments, one that would match the average female wage rate for the affected group to the minimum comparable male rate. The female rates would then be gauged in comparison with this minimum comparable male rate. This option would maintain the internal distribution of female wages.

The Equal Pay Coalition suggested that "employers move the base rate on the entry level job of the female predominated group up to the entry level of the male predominated group."[17] Woods Gordon Management Consultants, the OFL, the United Steelworkers and the Ontario Council of Hospital Unions agreed.

HIGHLIGHTS

- *A combination of labour, women's groups, employers' organizations and business associations favoured a "total compensation" approach. This would allow all quantifiable payments and benefits to be included when pay is calculated.*

- *Employer groups and business associations that supported a definition of pay that included only wages and salaries did so for a variety of reasons. Some felt it would be an administrative burden to calculate all employee benefits, while others maintained that the wage gap itself is presently calculated on the basis of straight salary comparisons and that remedial measures should therefore be confined to salaries only. The importance of examining benefit packages for gender bias was recognized, however.*

- *Several groups suggested targeting pay adjustments to the minimum, the average or the maximum comparable male pay rate. A number of additional alternatives for wage adjustments were offered.*

CHAPTER 7

MODELS OF IMPLEMENTATION

The Green Paper, which devotes an entire chapter to models for implementation of pay equity, suggested the following:

> The three major methods of implementation considered for illustration purposes are the complaint-based model, the employer-initiated model, and the integrated model.... Under (the complaint-based) model, the individual employee or group of employees who believed that an employer had failed to implement pay equity could make a complaint to that effect.... Under (the employer-initiated) model, it would be the responsibility of the employer to establish a plan to implement pay equity in accordance with the requirements of the legislation, and to put it into effect.... The integrated model combines the employer-initiated model with the complaint-based approach. (pp. 29-31)
>
> It is also possible to employ intermediate steps, two of which would be voluntary compliance and contract compliance.... Once the implementation requirements of a pay equity policy were developed, a period of voluntary compliance could be permitted.... Given that most of the agencies or bodies in the broader public sector are at least partially dependent on the provincial government for funds, the contract compliance system could be modified to include employers who received a substantial amount of government funds, as well as employers wishing to obtain or renew government contracts. (pp. 32-33)

The implementation model question engaged a wide range of presenters. They explored the types of models possible, considered their applications and offered often-detailed conclusions.

Complaint-Based Model

Many groups supported the complaint-based model as part of an integrated model; some supported it on its own. Groups such as the Apparel Manufacturers Association, the Ontario Mining Association and the Ontario Hospital Association were in favour of a complaint-based model exclusively. The Council of Ontario Contractors Associations supported a complaint-based model because it was "better suited to the union/non-union mix in the industry and (would lead) to the most efficient possible bureaucratic support systems."[1] The Toronto Transit Commission called the complaint-based model "the most cost-effective."[2]

Some presenters examined the mechanics of the complaints process. The Ontario Trucking Association stated that the "onus of proof (should) rest on the complainant."[3] If bargaining units are covered by pay equity legislation, suggested the Ontario Chamber of Commerce, "a joint agreement between a union and a company that the company's wage practices have been reviewed, and both parties agree they are not gender-biased, (should) be sufficient to prohibit complaints from any members of that particular bargaining unit."[4]

Employee access to information drew comment from the Ottawa-Carleton Board of Trade, which stated "that the traditional notions of confidentiality and privacy with respect to wage compensation must be preserved under the new legislation,"[5] and the Ottawa Women's Lobby: "This is an important point which can too easily be overlooked. Employees often do not have access to the kind of information they would need in order to even decide whether they have any grounds for filing a complaint."[6]

They were not the only groups to criticize the complaint-based model. For the Council of Ontario Universities, "a complaint-based system on its own is not a model for implementation."[7] It would mean, declared the Communications and Electrical Workers of Canada, "uneven application of the law and (it) opens the door to potential reprisals upon women who exercise their rights and complain, particularly in unorganized workplaces."[8] The Ad Hoc Committee on Pay Equity said that on its own, the model "perpetuates the use of adversarial processes to deal with what may be reasonably described as highly charged issues" and "approaches an overall problem in piecemeal fashion."[9] The Canadian Organization of Small Business was also concerned about adversarial processes and called for a system "based on the assumption of an employer's innocence of charges of discrimination rather than on a presumption of employer guilt."[10]

Employer-Initiated Model

A few presentations expressed support for the employer-initiated model on its own. Fiberglas Canada Inc. backed it because "we have the internal expertise and evaluation methods."[11] CREF supported minimal government in the specifics of implementation and therefore suggested an "employer-initiated model for the initial implementation of pay equity, with provision for a pro-active model after the fourth year, if anticipated changes in the wage gap have not occurred."[12] CREF used the term pro-active to indicate a more active enforcement role by the

government. Although supporting the integrated model, CAWE stated that "the major emphasis should be on the employer-initiated part of the model with a pro-active orientation."[13]

The Toronto Transit Commission presented an alternative view. "An employer-initiated model in any form will require employers to search out problem areas which have somehow eluded them in the past. We would not expect employers to be too successful in taking corrective action under these circumstances."[14] The Board of Trade of Metropolitan Toronto outlined their reasons for opposing an employer-initiated or integrated model. The Board of Trade felt it "would require every employer under provincial jurisdiction within some time-frame, to implement a single system of job evaluation."[15] To the Ontario Chamber of Commerce, an employer-initiated model "imposes unnecessary costs on employers who may have no problems in their organizations."[16]

Integrated Model

Many presentations supported the integrated model to implement pay equity, a model which combines employer-initiated and complaint-based approaches. Its proponents included the Council of Ontario Universities, the Southern Ontario Newspaper Guild and Organized Working Women.

Presenters gave a variety of reasons for their choice. "When the complaint mechanism is combined with pro-active legislation," said the Labour Council of Metropolitan Toronto, "women begin to have a powerful tool to remedy wage discrimination."[17] OPSEU considered "both models (complaint and pro-active) ... essential for dealing with the diversity of the workforce."[18]

One major advantage to the integrated model, many groups explained, was the protection it offered to non-unionized workers. From the Sudbury Women's Centre:

> There is nothing to exclude people in a non-unionized environment from entering into a series of negotiations, or ... (to exclude) employers (from) looking at the plans. In fact, we strongly advocate that. We are saying, however, that they need the added protection of a complaints model.[19]

Other groups that supported the integrated model carefully defined the term or suggested how the model could work. Interpretations were plentiful. The Equal Pay Coalition's support, for example, was based on an "integrated model using both a complaint-based system and a pro-active model." By pro-active, however, the coalition did not mean an employer-initiated model, but rather a "pro-active approach which directs employers, unions and governments to take positive measures."[20] The United Steelworkers wanted to clarify that for them, an integrated model required a "guaranteed role for unions in the development and negotiation of pay equity."[21] The integrated model should provide a voluntary compliance period and follow it up with a complaint procedure, according to the Municipality of Metropolitan Toronto, but "limits of such a period should be defined and should be themselves subject to a complaint procedure."[22]

Ontario Hydro offered some advice on how to make the integrated model succeed. "To offset the possibility that there may be uninformed complaints it may be prudent to require that organizations inform employees of the results of the pay equity review; how and when adjustments will be made and the expected impact on benefits, once these have been established."[23]

A variation on the integrated model was put forward by AMO, which proposed,

> a threshold of a minimum number of employees applicable to the municipal workforce such that,
>
> i) above the threshold, the pay equity model would be an integrated model ... and
>
> ii) below the threshold, the pay equity model would be limited to a complaint system.[24]

AMO's rationale was that smaller municipalities were less likely to have a job evaluation system, but there might be pay inequities nonetheless and employees should be entitled to some recourse in order to remedy them.

The Business and Professional Women's Clubs of London and Stratford summarized the support for the integrated model combining the pro-active and complaint-based approaches. "The complaint-based model provides women with the essential minimum requirement for achieving pay equity," they said. "The pro-active model would direct employers, unions and government to take positive measures to ensure that pay equity is achieved."[25] The Ontario Committee on the Status of Women summarized the support for an integrated model that combines employer-

initiated and complaint-based. "We believe that employers should take the initiative but with the support and guidance of the government who will also play a monitoring role," they said. "To best protect individuals' rights, there should also be a mechanism for the hearing of complaints."[26]

The Ontario Municipal Personnel Association did not support the integrated model because they interpreted it as requiring joint management-union job evaluation. The Ontario Chamber of Commerce opposed this model on the grounds that administrative costs for both employers and government would be "excessively expensive."[27]

Voluntary

The Retail Council of Canada was one of the few advocates of a purely voluntary compliance model to implement pay equity. "Employers should be left," said the council, "with the responsibility to initiate and implement programmes to eliminate all discrimination based on gender in the workplace. In other words, voluntary compliance should be the order of the day."[28] Other presentations suggested a phase-in period before complaints were heard or other enforcement procedures applied, and they often referred to this as a period of voluntary compliance. (See Chapter 9, Phase-In.)

CUPE Local 79 charged that "a period of voluntary compliance would be a period of sanctioned inaction for many employers."[29] Groups such as the Sudbury Women's Centre, the Congress of Canadian Women, the Service Employees International Union and the Immigrant Women's Information Centre agreed. This last group said that past experience with voluntary compliance, particularly in the area of affirmative action, has shown that business will fail to comply.[30]

Contract Compliance

Under contract compliance, an employer who is offered or wants to maintain a government contract might be required to introduce pay equity in his/her workplace.

The Co-ordinator for the Status of Women at Carleton University summed up the opinions of numerous groups (including the ONA and the Congress of Canadian Women) when she said "contract compliance should be regarded as an enforcement tool and not as an 'interim' stage."[31] The Women Teachers' Association of Ottawa

agreed. The latter group expanded the definition of contract compliance to "employers who are eligible for or who seek government loans, subsidies, tax breaks or contracts."[32]

The Service Employees International Union explained that, in their view, contract compliance was unnecessary. "There would be no need for contract compliance if the government was to introduce a pay equity act for the private sector ... simultaneously ... giving all Ontario workers equal rights under the law."[33]

The Retail Council of Canada, on the other hand, saw a place for the measure. "In the instance of those companies doing business with the provincial government," the council said, "contract compliance might involve the collection and filing of data to support the voluntary activities of the employers involved."[34]

HIGHLIGHTS

- *Most support for the complaint-based model was based on its inclusion as a component of an integrated model, where it would act as a "safety net" feature. Using this model on its own generated concerns from business, labour and women's groups, although some supported the idea. Those objecting questioned the availability of pay information on which to base complaints. Employers were reluctant to disclose confidential information and labour and women's groups asked if women would have sufficient knowledge to lodge a complaint. There was also concern about uneven application of pay equity under the complaint model.*

- *The employer-initiated model also received most support as part of an integrated model. Opposition to this model came from employers' organizations, which believed that the government, contrary to Green Paper suggestions, would impose a single job evaluation system. Those who supported the model expected that it could encompass a variety of implementation strategies.*

- *Voluntary compliance received little support. Experience with voluntary affirmative action was often cited by presenters as proof that voluntary pay equity would not be effective. Contract compliance was most frequently supported as an enforcement tool rather than as an implementation model.*

CHAPTER 8

ALLOWABLE EXCEPTIONS

According to the Green Paper:

> Although jobs may be of the same value, employees may not be paid the same, even under pay equity legislation. Discrepancies may be due to several factors which may be specified as exceptions under the legislation. Depending on the implementation model chosen, comparisons might be made between individuals or between groups of employees. This, in turn, will have some bearing on which exceptions may be relevant. (p.24)

Various submissions and presentations dealt with the types of pay equity exceptions that could be permitted. Some felt that there was no acceptable reason for excusing wage disparities; others were willing to allow certain exceptions.

No Exceptions

A number of labour and women's groups opposed allowable exceptions, stressing that if they are permitted, they should be kept to a minimum and considered on a case-by-case basis.

The Southern Ontario Newspaper Guild summed up their opposition to allowable exceptions in this way:

> To suggest there should be 'allowable exceptions' to pay equity is a little like suggesting Abe Lincoln might have permitted slavery on plantations of less than a certain number of acres.[1]

According to PSAC, which has direct experience with pay equity under the Canadian Human Rights Act, "allowable exceptions" or "reasonable factors" have been used by employers to undermine and circumvent the integrity of the legislation.[2] Their position was echoed by the Communications and Electrical Workers, which argued that exceptions will cost the taxpayers dearly since they will increase investigation costs.[3]

Groups objecting to exceptions included the Metropolitan Toronto YWCA, the Sudbury Business and Professional Women's Club and the Chatham-Kent Women's Centre.

In contrast, the Board of Trade of Metropolitan Toronto agreed with the exceptions listed in the Green Paper,[4] as did Polysar Limited, the Retail Council of Canada and ALSBO.

Seniority

A large number of groups recommended that seniority should remain the only allowable exception, provided that it is applied consistently and in a gender-neutral fashion. Seniority is an important issue to the labour movement — a position that was made clear in presentations by the OFL and affiliated labour groups. One of these was OPSEU. OPSEU added that "a truly unbiased seniority system allows for accumulation of seniority during parenting leave."[5] The Sudbury Business and Professional Women's Club agreed, cautioning that seniority systems may be open to abuse if seniority scales are longer for women than for men.[6] The Metropolitan Toronto YWCA recommended that seniority systems be adjusted to give women credit for the years they spend as homemakers.[7]

At least one group argued that seniority should not constitute an allowable exception. CUPE Local 1996, representing workers at the Toronto Public Library, opposed seniority as an allowable exception because "the ability to accrue seniority is currently gender related. Women in the workforce have less ability to accumulate seniority because of the double work(load) of women.... To include seniority as an allowable exception even in a 'gender-neutral' manner is problematic until women have the right to take a leave of absence and return to a comparable job with accumulated seniority."[8]

A number of business and employer groups concurred that seniority should constitute an allowable exception. They made it clear, however, that seniority should not be the only exception allowed. The business groups convinced that seniority, like other allowable exceptions, is necessary to protect employers' management freedom included the Ontario Mining Association, the Boards of Trade of Metropolitan Toronto and Ottawa-Carleton, the Retail Council of Canada and the CMA.

Merit Pay

A controversial item in the list of "allowable exceptions" was merit pay. The pros and cons of including merit pay as an allowable exception provoked considerable discussion during the pay equity consultations.

The Retail Council of Canada, Polysar Limited, the Boards of Trade of Ottawa-Carleton and Metropolitan Toronto and similar organizations endorsed the inclusion of merit pay as an allowable exception. According to the Ottawa-Carleton Board of Trade, "pay equity legislation ... must allow an employer the freedom to reward excellence."[9] The CMA argued that "performance rating systems, fairly applied ... provide an effective performance incentive and show a tangible return in the form of high morale, increased job satisfaction and performance."[10] These groups agreed, however, that merit pay must be applied in a manner that is free of gender bias. The Council of Ontario Universities approved merit as part of a university's present salary administration policy, again with the proviso that no gender bias should exist.[11]

Woods Gordon Management Consultants cautioned that if merit systems are treated as an allowable exception in the legislation, organizations should ensure that they use common performance criteria and common levels of percentage increases for superior performance.[12]

Labour and women's groups were against merit pay as an allowable exception. Most of those opposing it believed it opened the door to continued wage discrimination. In a combined brief, the Ottawa chapter of Organized Working Women and the Ottawa and District Labour Council stated that the merit system is a discretionary form of wage increase.[13] The OPSEU Provincial Women's Committee shared their misgivings about merit, believing that it can be gender-biased. "Merit systems sometimes reward those attributes seen as male ... the most obvious example is aggressiveness. Valued in men. Devalued in women."[14] The Metropolitan Toronto YWCA said that "performance rating systems often do not recognize the skills, expertise and abilities of women. Caring, a traditionally-defined female skill, is not recognized."[15]

The OPSEU Provincial Women's Committee added that merit should not be part of this legislation because there are many jobs that are so standardized and routine that there is no room for excellence or performance above the norm. They stated that financial rewards should be replaced by non-monetary incentives for superior

job performance. Workers could be involved in greater decision-making, for example, or be awarded promotions. And if merit is to be used as an incentive, continued the group, an employee "needs to know what (constitutes) merit." Many organizations, it observed, do not make this information available to their employees.[16]

Red-Circling

In "red-circling," an employee's salary level is protected despite a decrease in responsibilities. Wages are not lowered, but the current wage is frozen.

Concern was expressed that this practice, if it became an allowable exception, could be used by some employers as an escape route from pay equity regulations. Some groups felt it might permit firms to avoid making job comparisons.

The Ad Hoc Committee on Pay Equity noted that "red-circling should not be used to try to avoid raising the pay of lower level jobs when pay inequities have been found."[17]

The Equal Pay Coalition supported red-circling as an allowable exception only where red-circling is used "to protect the pay of an incumbent who, through injury, or some other factor beyond his or the employer's control, can no longer perform the higher paid job."[18] Their position was shared by the Ontario Division of CUPE. The Municipality of Metropolitan Toronto stated that the practice should "never ... be used to hold down a group of male employees in order to enable female employees to 'catch up'."[19]

Some groups endorsed red-circling as simply one of several allowable exceptions that "are all crucial to the lifeblood of any business." This view, expressed by the Canadian Federation of Independent Business,[20] was endorsed by the CMA, the Board of Trade of Metropolitan Toronto and others.

The Equal Pay Project of the University of Windsor agreed that there was a need for red-circling but their reasoning was different. "If management or government ... (are) not prepared to put any money into this issue ... there has to be red circling ... the money has to come from some place."[21]

Training Assignments

A number of groups rejected training assignments as an allowable exception. If trainee positions are considered exceptions, they must have a set, limited time period or they become a loophole, according to the Business and Professional Women's Clubs of London and Stratford.[22] CUPE Local 2424 agreed. The Communications and Electrical Workers remained skeptical about permitting training positions to be an allowable exception. "We can envisage employers transferring women into 'male' jobs for extended periods of time and paying them less while they are 'training'," they said.[23]

Regional Rates of Pay

In some regions of the province, pay rates reflect varying costs of living. An employer may pay a higher wage in order to attract employees and keep them, or lower wages to stay in line with other employers' salary practices in the area.

Exempting regional rates of pay from pay equity legislation met resistance from women's groups and labour, in general. The Ottawa chapter of Organized Working Women and the Ottawa and District Labour Council together stated that "allowing an exemption to the legislation on the basis of regional rates of pay will do nothing more than keep wages in an economically depressed area low.... We also consider it impossible to determine what an appropriate region is without devising an arbitrary cut-off line."[24]

The Provincial Women's Committee of OPSEU recommended that regional rates of pay should be applied consistently to male and female occupations.[25]

The Ottawa-Carleton Board of Trade, the CMA and Polysar Limited agreed that regional rates of pay should constitute an allowable exception. The Ottawa-Carleton Board of Trade stated that "pay legislation must reflect the reality of local and regional market conditions...."[26]

Labour Market Shortages

A number of groups viewed labour market shortages as gender specific and not, therefore, appropriate as an allowable exception. "Men are still highly paid when there is no labour shortage. Women, on the other hand, do not generally get the benefit of payments based on labour shortages except at times of crisis such as

World War II," according to the Equal Pay Coalition.[27] The FWTAO and the Ontario Division of CUPE agreed. The latter group explained that "the vast majority of women over 30, and many under that age, were simply not allowed to take training in the trades — the area where most labour shortages take place."[28]

This view was shared by the OPSEU Provincial Women's Committee. The group maintained that such labour shortages stem from the lack of trained people and they recommended that employers train unskilled women, instead of increasing the salaries of the present workers; "paying the ones who are already working in the system higher wages does not solve the problem."[29]

UAW Local 89 rejected labour market shortages as an allowable exception, saying that this would make it too easy for an employer to justify wage discrepancies. Making the observation that 60 per cent of the female workforce is concentrated in 20 out of 500 occupations, the UAW stated: "It should be clear that these will never be positions that are in shortage."[30]

Business and employer groups saw the issue differently. "The inclusion of an exception based on demonstrable labour market shortages could help in limiting concern about legislated pay equity," according to the Municipal Electric Association.[31] Joining the association in their endorsement of this measure were the Canadian Federation of Independent Business and the CMA.

Other Allowable Exceptions

Several employer and business groups identified additional exceptions that they regarded as necessary in order to ensure that Ontario remains competitive. Polysar Limited, for example, recommended that an employer's inability to afford pay equity should constitute an important exception; otherwise employment levels in Ontario might be adversely affected.[32]

The Central Ontario Industrial Relations Institute wanted differences in the strengths of bargaining units to be considered an acceptable reason for pay disparities, on the basis that bargaining power is not a gender-related factor.[33]

The Board of Trade of Metropolitan Toronto recommended that allowable exceptions should not be limited to the five outlined in the Green Paper, but should include four additional exceptions borrowed from the federal guidelines issued by the Canadian Human Rights Commission. These exclude from

coverage: an employee recuperating from an illness or injury of limited duration; a demotion pay procedure; phased-in wage reductions; or a reclassification of a group due to a change in work performed.[34]

Other allowable exceptions were recommended by the Board of Trade in order to limit employer liability when the wage disparity is not caused by that particular employer. Such exemptions would include instances "where pay differences can be attributed to a collective agreement imposed by an interest arbitrator or a board of interest arbitration." This suggestion was supported by AMO.

The Board of Trade recommended that another exception should be permitted, this one applying when "the employer can show that members of the female group received certain non-quantifiable privileges, not received by members of the male group, that on a balance of probabilities can justify the wage difference."[35]

Ontario Hydro asked for exceptions other than those listed in the Green Paper if the necessity for these could be demonstrated, but cautioned that "in order to limit unwarranted use of this type of exception, it may be advisable to require that organizations supply a pay equity commission with records of instances where exceptions were made."[36]

HIGHLIGHTS

- *While a few groups recommended that no exceptions to the legislation should be allowed, there was general agreement that seniority, provided it is free of gender bias, should be exempted from pay equity laws.*

- *Merit pay was not greeted with the same strong support when it was discussed as a possible exception. Some groups were willing to include it, but only on a gender-neutral basis. Others considered the merit pay system poorly defined and badly executed.*

- *There was concern among some presenters that if red-circling is designated as an allowable exception, employers could misuse the measure in order to avoid implementing pay equity. For many groups, it was an appropriate exception if it offered wage protection to employees who could no longer assume the responsibilities of their higher-paid jobs.*

- *The omission of training assignments from pay equity regulations also prompted misgivings from several groups. They predicted that it would be used as a loophole in the legislation and it was suggested that time limits should be imposed on training periods to prevent such problems. Some did endorse training assignments, however, as an allowable exception.*

- *Opinion was divided on the issue of regional rates of pay. Variations in living costs were the explanations offered by groups that supported this system. Those against it pointed out that geographic limits are difficult to determine. A few insisted that if they were to be used, they should apply equally to male and female occupations.*

- *Labour market shortages constituted an allowable exception for a number of groups. Others viewed such shortages as gender specific, however, and were reluctant to omit them from pay equity laws. They suggested that women be trained to take over jobs in industries troubled by shortages.*

CHAPTER 9

PHASE-IN

Pay equity can be implemented immediately or phased in by a variety of methods. The Green Paper provides these references to phase-in:

> Costs can be phased in, as well as coverage, by sector or size of establishment.... Furthermore, the phase-in could be divided into two parts: a period during which the plan is to be formulated and implementation is to begin; and a second stage during which the implementation is to be accomplished. (p. 35)
>
> It is also possible to employ intermediate steps, two of which would be voluntary compliance and contract compliance. (p. 32)
>
> Implementation of pay equity might be more readily accomplished if a phase-in was permitted: comparisons within each bargaining unit and within groups of non-unionized workers first, followed by comparisons across the establishment. (p. 40)

Phase-in issues centre on coverage, timing of implementation, compliance stages, costs and job comparisons.

Response to Phase-in

The introduction of pay equity on a gradual basis generated some discussion among the presenters. Mathews, Dinsdale and Clark made a case for a period of adjustment, arguing that "employers will require a reasonable amount of time." They cited the Canadian Charter of Rights and Freedoms as an example: "The equality rights provisions were expressly postponed for a period of three years in order to provide ... a fair opportunity to prepare for compliance.... Withholding application of the legislation for a period of two years would be a simple and reasonable means of bringing pay equity into full effect."[1]

The North York Women Teachers' Association[2] and the National Union of Provincial Government Employees[3] requested a total phase-in period of four years, while the Day Care Advisory Committee of Metropolitan Toronto recommended "at least five years."[4]

The FWTAO took the opposite position: "There must be no delay ... in the guise of 'phasing in' what has been clearly needed for many years."[5] This stance was supported by groups such as the Ottawa Women's Lobby and the Ontario Teachers' Federation, among others.

The University of Western Ontario Staff Association also urged that delays should be avoided. "Every time an organization argues for a longer phase-in period," they said, "exemptions from legislation, separate legislation for the public and private sector, that is essentially the debate against pay equity.... The implementation of pay equity is fundamentally linked with timing.... (The government) must understand the need to implement legislation within as short a time frame as possible."[6]

Coverage

The ONA[7] and the OFL[8] favoured pay equity legislation covering all employers at the same time and by the same measures. The Windsor Women's Incentive Centre was in agreement: "To stagger the implementation could be nothing more than an arbitrary choice between equally deserving groups."[9]

The Ottawa-Carleton Board of Trade and the Board of Trade of Metropolitan Toronto felt that the public sector should be required to introduce pay equity before the private sector. During this time (ideally a period of at least two years) the government could educate the business community, said the Ottawa-Carleton Board of Trade, and bureaucrats could acquire experience and expertise.[10] The Retail Council of Canada also suggested that the government consider "whether the concept of pay equity should be applied, in the first instance, to schools, hospitals and even Crown corporations in Ontario. If so, after several years of application, useful lessons might be drawn about the real costs and the real benefits of mandatory pay equity for Ontario society as a whole."[11]

Groups such as the Lakehead Women Teachers' Association and the Ontario Division of CUPE disagreed. "We do not believe that the legislation should require pay equity programs to be phased in ... by waiting for the Government to 'pave the way' with its own employees," said CUPE.[12]

The Green Paper suggested that pay equity's phase-in could also be linked to an employer's size. The FWTAO, however, felt that this provision was not needed.[13] The Durham West Liberal Association disagreed, saying "all employers

with 50 or more full-time employees should be included in the initial implementation period of five to ten years. After this time, all employers should be subject to the conditions defined by the legislation."[14] Other submissions addressed the size question as an exemption issue, discussed in Chapter 4.

Timing of Implementation

Many groups supported a two-step plan to put the pay equity program into place: the first, to review work force data and develop a pay equity plan and the second, to implement wage adjustments. There was some variety in the number of years suggested for each step. The Municipal Electric Association[15] and Ontario Hydro[16] both suggested two years for the first step and four years for the second, for a total of six years. The OFL recommended a five-year period for full implementation.[17] The Board of Education for the City of North York[18] and the Sudbury Women's Action Group[19] also suggested a total of five years, with differing requirements for each of the steps in the implementation process. The Ontario Committee on the Status of Women based their suggested timetable on the assumption that the wage gap will be greater in the private sector — "therefore, private sector organizations should be given from six to eight years to complete this process."[20] The Canadian Federation of Independent Business believed that "five years in total may be adequate; however, each firm should be permitted to justify time required in excess of the five years."[21]

The Ad Hoc Committee on Pay Equity envisaged a four-stage process:

> There needs to be a phase-in period. We see four stages in the pay equity process: (a) identification of any inequities, (b) design of solutions to correct inequities, (c) implementation of necessary changes in salary determination and/or salary administration systems and (d) adjustment of salaries. Most organizations should be able to complete the first three stages within a two-year period. Salary adjustments should begin in the third year.[22]

Some submissions supported a complaint-based model in which employers are allowed a specified period to phase in a pay equity program. No complaints could be lodged during this period, which would begin after legislation is passed. ALSBO[23] suggested that the period should be 18 months; Polysar Limited[24] suggested three to four years; and the CMA, a minimum of four years.[25]

The Ontario Mining Association asked that "no one who is covered by a collective agreement would be permitted to process a claim until the next renewal agreement is concluded, following effective date of the legislation."[26] But the Ottawa Women's Lobby disagreed, stating that "the right to file complaints should commence on the date the legislation is passed."[27]

The YWCA of Metropolitan Toronto presented one of the few briefs to refer to the phase-in of implementation steps for contract compliance. "Within five years," they said, "all contractors, both direct and indirect, are required to have implemented pay equity in order to obtain and maintain government contracts."[28]

Compliance Stages

Before pay equity is fully implemented, the Green Paper suggested a period of voluntary compliance or contract compliance could take effect. These interim stages would allow employers to put the plan into place gradually.

In response, the Ottawa Women's Lobby spoke for a number of presenters when they said "the 'voluntary compliance stage' is now."[29] The National Union of Provincial Government Employees (NUPGE) also summarized the opinions of many (including the Equal Pay Coalition, the OSSTF, the Sudbury Business and Professional Women's Club and the United Steelworkers), in this statement: "NUPGE rejects the possibilities of interim steps such as voluntary compliance, which has been shown not to achieve results, and contract compliance, which is not sufficient."[30] Many presenters pointed to voluntary affirmative action as an indication that voluntary pay equity would meet with little success.

Some employers, like the Ontario Trucking Association, felt "compliance ... should be phased in over a number of years. This would allow employers to comply first on a voluntary basis, i.e., get our houses in order."[31]

CUPE Local 79 commented on another possible staging mechanism: a complaint-based model for those without job evaluation plans; and an employer-initiated one for those covered by job evaluation. This local said that "only one of our bargaining units is currently under a formal job evaluation program. We would object strongly to the other five units being restricted to a complaints-based approach."[32]

Costs

Some groups spoke specifically about phasing in costs while others addressed costs in the context of the implementation steps. The Equal Pay Coalition proposed a four-year period for phasing in costs.[33] The Business and Professional Women's Clubs of Ontario said that they "would not support a long phase-in period in the private sector, but would support a pro-active phasing-in period where funds are put aside for pay equity adjustments and are spread over a reasonable period."[34]

Comparisons

The Green Paper suggested that occupational comparisons might first be made within bargaining units and within groups of non-unionized workers before being made across the establishment.

Some presenters addressed this issue under the definition of establishment (see Chapter 2) or during the discussions on collective bargaining issues (see Chapter 11). Others discussed it as a phase-in issue.

The Equal Pay Coalition was against the notion of phasing in comparisons. "Legislating that such programs must be phased in according to bargaining units is unnecessary and unjust to the women concerned."[35] CUPE Local 79 also disagreed, stating "determinations will become ... unnecessarily complicated since we will be forced initially to make 'second best' comparisons."[36]

The Ontario Division of CUPE took a slightly different stand: "The development of a pay equity program should be left to the employer and union involved. Some may wish to develop pay equity within each bargaining unit first and then make comparisons between bargaining units. Others may feel it is more efficient to compare across bargaining units from the outset."[37]

The Kenora-Keewatin Business and Professional Women's Club predicted problems if job comparisons are at first limited to within bargaining units. "The gender-predominated bargaining units at the Lake of the Woods District Hospital," for example, "should not have to wait until 'Phase II' before the legislation can be of any use to them."[38]

HIGHLIGHTS

- *The type of phase-in that received substantial support allowed employers some time to implement the program. This generally meant phasing in its costs as well.*

- *The usual time frame suggested for implementation was five or six years from the passage of the legislation, with the greater portion of that period allotted to making actual wage adjustments, i.e., phasing in the costs.*

- *Only a few employers' associations voiced support for phasing in coverage by first requiring implementation in the public sector. Women's groups and unions rejected this idea.*

- *Phasing in on the basis of size was not specifically discussed by many presenters.*

- *Some concern was expressed about phasing in occupational comparisons by first restricting them to within individual bargaining units. Various presenters maintained that there would be few gender-based comparisons at this stage, so the intermediate step would cause needless delay for women and unnecessary complications for employers.*

CHAPTER 10

IMPLEMENTATION AGENCY

The Green Paper provides as follows:

> An important question to be resolved in the context of a pay equity policy is the type of agency which would facilitate the transition to pay equity and monitor compliance with pay equity legislation. There are at least three possible agencies which could be given responsibility for overseeing the implementation of pay equity. The responsibility could be given to either the Ontario Human Rights Commission or the Employment Standards Branch of the Ontario Ministry of Labour, or a new organization, such as a Pay Equity Agency established specifically for the implementation of this policy (p. 37).

The responsibilities that this agency could assume are threefold: complaint investigation (or employer monitoring); public education; and, thirdly, assistance in negotiation and enforcement.

New Pay Equity Agency

Many labour and women's groups called for the establishment of a new, independent agency devoted to pay equity exclusively.

In their view, a new pay equity agency would be preferable to existing ones such as the Ontario Human Rights Commission and the Employment Standards Branch. The latter agencies, according to the OPSEU Provincial Women's Committee, have neither the expertise nor the resources to deal with pay equity.[1] OPSEU commented that "a new pay equity agency would give a new start compatible with a fresh approach of both a pro-active and complaint-based implementation strategy.... It could develop new and fairer administration procedures while also developing a unique educational role."[2] This position was shared by the Communications and Electrical Workers and the FWTAO. They agreed with the Equal Pay Coalition that a new agency should administer pay equity legislation under the auspices of the Ministry of Labour, which would report annually to the Legislature.[3] Other groups recommending a separate agency included OPSEU, the Ontario Teachers' Federation, the Ontario Division of CUPE and the Council of Ontario Universities.

According to the Metropolitan Toronto Board of Trade: "While employers are usually loath to suggest that new bureaucracies be established, the complexities of 'equal pay for work of equal value' are such that an agency dedicated to that process, staffed with highly skilled experts, will be essential to assist the parties in resolving complaints."[4]

The view that a new pay equity agency should be established, however, did not meet with approval from all members of the business community. Workwear Corporation of Canada Ltd. opposed the idea. Dexter-Lawson also objected: "The intrusion ... of government inspectors with the power to impose new wage scales would be unwelcome. The red tape, paper work and harassment would be unacceptable."[5] Small business, too, disagreed with the creation of an enforcement agency. The Canadian Organization of Small Business recommended that "any sustainable charge of discrimination should be resolved by the courts rather than by a government tribunal."[6]

Existing Agency

A number of groups, including Polysar Limited, AMO and the Municipality of Metropolitan Toronto, recommended that the responsibility for pay equity implementation should be given to an existing agency, namely the Employment Standards Branch of the Ministry of Labour. The Ad Hoc Committee on Pay Equity agreed, reasoning that the agency assigned to enforce pay equity should be the one that currently has responsibility for equal pay for equal work and the benefit plans of the Employment Standards Act.[7]

The law firm of Mathews, Dinsdale and Clark also preferred this recommendation, because "it takes full advantage of an existing bureaucracy with substantial experience in employment matters and therefore provides a quality system of administration at minimal cost to the taxpayer."[8] The CMA said: "Under no circumstances should a new bureaucracy be established."[9]

Staffing and Resources

Whether or not the responsibilities for enforcing pay equity fall to a new agency or an existing one, most groups agreed that any agency would need adequate funding and resources if it is to be effective. The Ontario Division of CUPE recommended that the agency be equipped with sufficient staff.[10] OPSEU suggested that "the Commission should hire individuals with a demonstrated

background and understanding of the discrimination faced by women in the labour force"[11] and the FWTAO agreed: "Areas of expertise required in this agency would include data collection, justifiable use of statistical analysis and classification expertise to identify ... gender bias."[12] The Ad Hoc Committee on Pay Equity recommended that "the agency ... be staffed with compensation experts, knowledgeable in both job evaluation and salary administration."[13] This was also the view of the Metropolitan Toronto Board of Trade.

Another participant, Barbara Coombs, suggested staffing the enforcement agency with worker representatives,[14] while OPSEU Local 137 emphasized the importance of "specialized staff who are knowledgeable and committed to making the law work."[15] The ONA urged that "the independence of this body is very important ... (and therefore) members of the Commission (should not be) officers in the public service of Ontario."[16] The OFL made specific recommendations about the representation on pay equity tribunals, based on the principle of tripartite representation from business, labour and government. The majority of the representatives should be female, said the OFL.[17]

Investigative Role

The agency should receive complaints and initiate investigations on behalf of individuals or groups of workers, agreed many groups, including the Board of Education of the City of North York and OPSEU.

Directly tied to the question of investigations, however, was another issue, described by the Business and Professional Women's Clubs of London and Stratford: "Access to information about wages, job content and wage structures of employers (is required) in order to make comparisons and evaluations."[18] This concern was shared by the Communications and Electrical Workers: "We also think it vital that the right to information be contained in the legislation so that employers must regularly file with the Tribunal their rates of pay, job descriptions, number of men and women in those categories, etc., and (so) that individuals will have access to this information."[19] The Ontario Division of CUPE and the United Steelworkers assented to this argument. "Workers must have knowledge of company wage scales and wage policies if the complaint model of pay equity is to have any effect," said the United Steelworkers.[20]

Several employers and business groups were not in favour of this approach. The Ontario Trucking Association argued that, "employers should have to file their pay equity plans and criteria (with) the provincial agency only on a voluntary basis. The employer should be required to divulge this information to the agency only in the event of a complaint. This information should never be divulged to an employee, and agency access should be on a confidential basis and only in the event that it is required to settle a complaint."[21]

The Ottawa-Carleton Board of Trade made the same point,[22] while the Ontario Mining Association suggested that salary information should be offered to the agency on a confidential basis, presumably early in the complaint stage.[23]

Educational Role

A number of presenters suggested that the pay equity agency could perform an educational function.

The Board of Education for the City of North York defined the agency's educational role as assisting the public, employers, employees or their bargaining agents with pay equity implementation.[24]

The Business and Professional Women's Clubs of London and Stratford also wanted the agency to educate employers,[25] while the Ontario Committee on the Status of Women made specific suggestions about the educational methods to be used. The agency should "write booklets and hold seminars to assist employers in reviewing their present job evaluation systems," they said, and it should also "provide grants for research into gender-bias-free job evaluation systems."[26]

This view was shared by AMO: "Such an agency should supplement its activities with extensive training on in-house job evaluation development. The agency would likely keep a record of plans that span the four methods of job evaluation," so that a trained staff could offer guidance to an employer on the method "posing the least administrative expense."[27]

John Kelly, a community college instructor, spoke of the need to train future managers on the concepts of pay equity and employment equity. He also recommended that the province set up a central data base offering information on pay equity matters.[28]

The small business sector did not favour pay equity legislation except on a voluntary basis and therefore did not approve of a pay equity agency. According to the Canadian Organization of Small Business, if the government sets up a pay equity agency, a small business advisory unit should also be established. This should be "operated by individuals and companies capable of successfully advising small companies on the design and implementation of job evaluation systems appropriate to the size, sector, economic and management capacity of individual owner-managed businesses."[29]

Enforcement Role

Labour and women's groups repeatedly stressed that legislation must be hard-hitting enough to convince employers that it is unlawful to pay discriminatory wages. It was argued that the pay equity agency should be charged with the task of ensuring employer compliance. CAWE stressed that the implementation agency "must have enforcement capabilities, whether fines, withholding of contracts for non-compliance or a published status report circulated broadly both publicly and corporately."[30]

Christine Elwell, a lawyer, recommended that the agency be supplied with the following enforcement powers: "The board may order the reinstatement of employment and full compensation for lost wages, benefits and seniority of individuals who due to efforts to seek pay equity were laid off, dismissed or demoted by the employer as a reprisal.... The board may impose fines up to $10,000 for contraventions of the pay legislation or orders of the board."[31] The United Steelworkers went a step further: "The Act should make provision for not only stiff monetary penalties for non-compliance, but also for up to one year of imprisonment."[32] OPSEU also advocated stiff penalties for "those employers who resist implementing pay equity programs or who refuse to make adjustments stemming from the plan.... OPSEU believes that the cost of non-compliance should exceed the cost of compliance."[33]

HIGHLIGHTS

- *Discussions concerning a pay equity agency generated more consensus than a number of other issues heard during the pay equity consultations. Labour and women's groups and at least one large employer association favoured the creation of a new pay equity agency to deal with the complexities of this legislation.*

- *Small business opposed the plan, suggesting that pay equity disputes should be resolved by the courts. If an agency were created, they advised that it should have a unit providing specialized services to answer the needs of small business.*

- *A large number of businesses and employer groups recommended that the responsibility for pay equity's installation in the workplace should rest with an existing agency such as the Employment Standards Branch of the Ministry of Labour. This agency was considered appropriate as it is currently responsible for equal pay for equal work and for the benefit plans of the Employment Standards Act.*

- *Most groups agreed that if a pay equity agency is to be effective, it must be equipped with adequate resources and a staff knowledgeable in both job evaluation and salary administration. The agency should also, according to many, assume an investigative, educational and enforcement role.*

CHAPTER 11

COLLECTIVE BARGAINING

According to the Green Paper:

> In designing the approach to be used to implement pay equity, it is necessary to look at its potential interaction with the collective bargaining process. More than one million Ontario employees — approximately 30% of the employed labour force — are unionized. In the private sector (under provincial labour jurisdiction), approximately 22% of the union membership is female; the figure is about 50% for the broader public sector (1). Collective bargaining plays a major role in the determination of compensation in Ontario and indeed, appears to have contributed positively to women's earnings (2).
>
> Irrespective of the implementation model chosen, a pay equity policy places a new requirement on employers and unions to examine wage rates for gender discrimination.... There are three implementation issues related to collective bargaining: the method for comparison; the effects of pay equity on the bargaining proces; and the administrative and enforcement process. (p. 39)

In a pay equity program, jobs can be compared in numerous ways. Comparisons can be made between unionized and non-unionized workers; across bargaining units or within each one separately; or in a phased-in method that would make comparisons within these groups at first, and then across the whole establishment.

Making Job Comparisons

A phased-in method of job comparisons met with approval from the Municipality of Metropolitan Toronto[1] and the Board of Education for the City of North York.[2] Local 454 of the Office and Professional Employees International Union, however, disagreed. They said that cross-bargaining unit comparisons should proceed under the legislation without a phase-in.[3] Their view was shared by the Equal Pay Coalition, which noted that such a phase-in could be perceived by women as further government stalling.[4]

Making job comparisons across bargaining units was an issue that many labour and women's groups addressed. The Equal Pay Coalition supported the concept, remarking that "typically clerical and office workers are in one unit (women), maintenance in another (men), nursing assistants in another (women) and technical

workers in still another (men)." According to the coalition, "refusing to allow comparisons across bargaining units puts the Government in the position of passing legislation which purports to allow men and women to compare dissimilar work on the one hand, while on the other, dividing workers into units which make such comparisons impossible."[5]

This position was echoed by a large number of CUPE locals, several UAW locals, the Kenora-Keewatin Business and Professional Women's Club and the Chinese Canadian National Council.

A number of groups took the opposite position, maintaining that cross-bargaining unit comparisons are unworkable. "Priorities of different bargaining units and the relative economic strength of the two parties to a collective agreement will differ substantially from one unit to the next."[6] This view, presented by the Ontario Chamber of Commerce, was shared by Polysar Limited, the Board of Trade of Metropolitan Toronto and the CMA. The Apparel Manufacturers Association also urged that no cross-bargaining unit comparisons be made: "In our opinion each bargaining unit should be considered an establishment and comparisons (should be) made within each unit."[7]

Job comparisons between non-unionized and unionized workers drew a mixed response. The Metropolitan Toronto YWCA endorsed the suggestion. "As 78% of Ontario's working women are non-unionized," they commented, "it is essential that job comparisons across bargaining units and between non-unionized and unionized workers be allowed ... to ensure that maximum numbers of women are covered."[8] The Essex County Women Teachers' Association agreed, along with the East York Women Teachers' Association. "Since only 30% of the employed Ontario labour force is unionized and only 22% of female workers in the private sector are unionized, a failure to allow comparisons between unionized and non-unionized employees would limit the effectiveness of the legislation," said the latter group.[9] They were joined in their stand by the Congress of Canadian Women and Women Working with Immigrant Women.

A number of groups disapproved of the cross-bargaining approach to job comparisons. According to ALSBO, "in addition to some very real practical problems, the economic implications of allowing such comparisons would be profound."[10] The Day Care Advisory Committee of Metropolitan Toronto cautioned that "employers with union and non-union members could create a lot of tension and a possible wage spiral. It seems that the most fair method should be a

separate process with both union and non-union members."[11] The APMA agreed, noting that "if wages are compared between unionized and non-unionized groups, attempts will be made to re-establish the wage gap."[12]

Pay Equity and the Bargaining Process

In the course of the consultations, several labour groups emphasized that unions have tried to address gender-based inequities at the bargaining table and through the grievance procedure, but employers have proven resistant. According to the Laurentian University Staff Association, "L.U.S.A. recently went on strike for almost five weeks in order to get implementation of a job evaluation program which would bring about pay equity for all its members." They finally negotiated a satisfactory agreement with the university.[13] The view that employers have been reluctant to address pay equity concerns at the bargaining table was shared by CUPE Local 161, the Ontario Council of Hospital Unions and the Confederation of Canadian Unions. One of the confederation's affiliates, the York University Staff Association, said that "the most that has been achieved through the collective bargaining structure is the establishment of a committee to study the matter."[14]

Both labour and women's groups expressed the view that pay equity can interact with the collective bargaining process without disruption. According to the UAW, "Equal pay for work of equal value is not, as some would claim, a threat to the collective bargaining process.... The employer and the trade union, where workers are organized, must be the parties who determine the form that the pay equity program will take."[15] Groups backing this stance included the Essex County Women Teachers' Association, PSAC, Personnel Systems and the Women Teachers' Association of Ottawa, which noted that "while ... pay equity will add a further dimension to collective bargaining, we believe that the concept will enhance, rather than diminish the process."[16]

Although they were proponents of pay equity, the North York Women Teachers' Association took a different position than most labour and women's groups on the issue of pay equity and the collective bargaining process. According to the association, "Pay equity should not be part of any collective bargaining process. We do not believe that this is an issue that should be open for negotiations. Instead, pay equity should be granted to all employees qualified, through the process of fair and gender-neutral job evaluations."[17]

Few labour and women's groups addressed in detail how pay equity could be integrated into the bargaining process, but they did underline the need for unions to take an active role. The Women's Committee of the Thunder Bay and District Labour Council observed that "unions and employers (should) work together to implement a pay equity program adaptable to each workplace."[18] Their opinion was echoed by the University of Western Ontario Staff Association, the Windsor and District Labour Council, the United Food and Commercial Workers International Union, the Dryden District Labour Council and others.

The United Steelworkers recommended that the legislation should not only require employers to negotiate pay equity programs with their unions, but also make joint pay equity committees mandatory. They suggested that such a committee would be "similar to joint Health and Safety Committees required under the Occupational Health and Safety Act"[19] and their view was supported by various labour and women's groups.

The OFL recommended that "the Labour Relations Act require that all collective agreements include a clause providing for pay equity programs,"[20] and the Italian Canadian Women's Alliance agreed. The ONA went a step further, asking that the legislation declare any provision of a collective agreement contravening pay equity legislation to be null and void.[21] This view was echoed by the Southern Ontario Newspaper Guild, which argued that pay equity should be considered a minimum standard similar to the Employment Standards Act. "Individuals, unions and employers should be barred from opting out of pay equity," they said, "just as they are barred from opting out of the Employment Standards Act."[22]

Business and employer groups remained unconvinced, overall, that pay equity could interact successfully with the collective bargaining process. "Potentially," Woods Gordon Management Consultants stated, "unions have a great deal to lose through the introduction of pay equity."[23] The CMA agreed, arguing that "imposing equal pay for work of equal value through legislation raises fundamental questions about the role of the collective bargaining system. It contradicts the basic concept of free collective bargaining and undermines the government's support of the right to bargain collectively."[24] This view was endorsed by the Reformed Christian Business and Professional Association.[25]

Several groups argued that pay equity concerns should have been resolved within collective bargaining earlier, and they disapproved of government playing a role they believed unions should have assumed themselves. The Ontario Hospital

Association stated: "For union after union to now come before this panel arguing that equal pay for work of equal value is long overdue, seems simply an admission ... that they have failed to serve their members' interests. If a union truly believes that in a male-predominated bargaining unit it represents there are female jobs which are undervalued, then surely that union should and can address that issue at the bargaining table."[26] The Ontario Chamber of Commerce and ALSBO agreed.

Some groups made specific recommendations. Ontario Hydro suggested addressing pay equity in a forum other than collective bargaining, given the adversarial nature of that process. They proposed that a steering committee, composed of representatives of the bargaining unit and the employer, could be established to oversee the "implementation of pay equity within each organization."[27] The Municipal Electric Association concurred. While the Ottawa-Carleton Board of Trade did not flatly reject the marriage of pay equity to collective bargaining, it cautioned that "pay equity must provide the mechanisms to leave collective bargaining intact and must prevent a wage spiral."[28]

Several groups voiced concern about the potential impact of pay equity on central bargaining patterns and arbitrated settlements. The Ontario Hospital Association explained that "province-wide bargaining has brought much needed stability into hospital labour relations...." Pay equity, however, "contains within it the seeds of the potential destruction of the whole system of province-wide bargaining and indeed, even in the individual hospital setting, the clear potential for interminable and unjustifiable labour cost escalation."[29]

To illustrate their point, the association used the example of one of their unions — the ONA. The ONA represents nurses in 150 hospitals, for which there is one salary grid. "Let us suppose that, in mid-contract and in one hospital, the nurses (predominately female) successfully make a case for 'equal pay for work of equal value' with a group of 'predominately male' jobs. The nurses in that hospital would then be entitled to a wage increase that would take them beyond the provincially negotiated or arbitrated scale. Must all hospitals then accept that higher wage scale for nurses?" From the Ontario Hospital Association's viewpoint, the current standardization in the terms and conditions of employment will vanish if, under pay equity legislation, "all hospitals face demands to increase wages because of entirely unrelated situations in other hospitals."[30]

Administering and Enforcing the Program

Labour and women's groups tended to support a separate pay equity negotiating process and fund. The Sudbury Women's Action Group wanted pay equity bargaining separated from the normal collective bargaining process so that pay equity doesn't "get lost in the process. We felt that by ensuring it was a separate process ... it would keep its integrity."[31]

Groups taking this position included the OSSTF Status of Women Committee, the UAW, the OPSEU Provincial Women's Committee and the Women's Committee of the Thunder Bay and District Labour Council. These groups believe that by isolating pay equity in a framework of separate negotiations, they can prevent the trade-offs that might occur if pay equity discussions were instead included in the overall collective bargaining negotiations.

A separate pay equity fund was a proposal supported by numerous groups and individuals. The fund would protect the program and, according to the OPSEU Provincial Women's Committee, "permit significant salary increases in every year of the (pay equity) program."[32] Fund contributions could be calculated as a percentage of the employer's annual payroll from the previous year. Among the supporters of the specialized fund were the Windsor and District Labour Council and OPSEU Local 137.

Several business and employer groups rejected the concept of a separate pay equity negotiating process and fund. According to the University Hospital of London, Ontario, if employers are obliged to pay a percentage increase over and above the normal wage increase, they "will be inclined to hold back a 'reserve' to satisfy any pay equity claims arising during the term of the agreement."[33] This view was shared by Cummings Signs, Workwear Corporation and the Metropolitan Toronto Board of Trade. The Board of Trade argued that after a pay equity adjustment, "an employer ... would approach bargaining with a reduced ability to pay. However, this would have little effect upon the expectations of other trade unions whose members may not be involved in the claim or adjustment. This could make reaching a settlement difficult and possibly lead to strike action."[34]

Yet several large employer and business groups, including the CMA and the APMA, disagreed. The money to redress pay inequity, they observed, is likely to come from a fund unrelated to the cost of a collective agreement. "It's been my experience," stated a spokesperson from the CMA, "that mandated increases such

as government-mandated benefits, for example, have all been additive."[35] The APMA summed up their position: their pay equity fund of "one percent ... would be over and above the normal cost of a collective agreement."[36]

To ensure the integrity of pay equity legislation and collective bargaining, several groups came forward with additional recommendations. Organized Working Women recommended that a "successor rights" clause should be built into the legislation, similar to that contained in the Ontario Labour Relations Act, so that a pay equity plan cannot be cancelled out when owners sell an enterprise.[37] The Southern Ontario Newspaper Guild stressed that "employers should not be permitted to force unions to trade other contract provisions against a basic pay equity package, just as they cannot force trade-offs against basic Rand Formula union security."[38] Pay equity will require responsible bargaining on both sides, Woods Gordon Management Consultants emphasized, cautioning that "employers will have to educate their unions in the goals and realities of pay equity."[39]

HIGHLIGHTS

- *Some presenters favoured cross-bargaining unit comparisons because without such comparisons many workers would be ineligible for pay equity. They pointed to measures like employer-employee joint pay equity committees, similar to health and safety committees, as the vehicles that will achieve pay equity in the workplace. As long as separate pay equity negotiations and funding are established, labour and women's groups were satisfied that the two processes can interact.*

- *Various members of the business community and employer groups took the opposite view: pay equity will complicate collective bargaining, jeopardize arbitrated wage settlements and make wages spiral as workers attempt to reassert traditional wage differentials.*

- *A number of business groups and employers rejected the concept of a separate pay equity fund, insisting on one wage framework only. They argued that the awards will have to come from the funds negotiated through collective bargaining, leaving less money available for general wage increases.*

- *This position, however, was not widespread. Several large employer groups and business associations agreed that in order to address pay equity, a special fund can be created. This fund would be unrelated to the labour costs associated with the collective agreement.*

CHAPTER 12

ECONOMIC IMPACT

According to the Green Paper:

> Implementation of a pay equity policy will result in both economic and social costs and benefits. The economic impact upon the labour market and the structure of the Ontario economy must be evaluated to ensure that the chosen implementation plan is sensitive to the particular needs of firms, industries and communities and to concerns about the competitive position of the province's economy. In addition, the implementation design must maximize the positive social and economic benefits of pay equity policies. (p. 44)

Groups representing business, on the one hand, and labour and women's groups, on the other, disagreed as to the probable costs and benefits of a legislated pay equity program.

Costs

A number of groups argued that cost was not relevant in a discussion concerning the implementation of pay equity; instead, it should be considered in the same light as human rights legislation. The FWTAO, the Equal Pay Coalition, the Service Employees International Union and the ONA all reminded the panel that costs and inconvenience are not considered appropriate reasons in Canada to escape or delay human rights legislation. The Windsor Women Teachers' Association stated that "to argue that we cannot afford the cost of equal pay for work of equal value is to imply that women somehow have a duty to be paid less until other financial priorities are accommodated."[1] UAW Local 89 suggested, moreover, that if employers' financial difficulties were taken into consideration, a trend would be set to avoid the requirements of the legislation.[2]

The FWTAO noted that "pay equity will cost money in exactly the amount by which women are currently subsidizing the economy."[3] This viewpoint was echoed by Local 454 of the Office and Professional Employees International Union.[4] And costs are not only measured in dollars and cents, said the Labour Council of Metropolitan Toronto; consideration must always be given to "the injustice women face when they earn less money for a comparable job because they are women."[5]

"Pay equity will cost," said the YWCA of Metropolitan Toronto. "It will also produce economic benefits. We point out, however, that you must consider the cost of not moving quickly and effectively in this area. Society will continue to pay to support poor women. More importantly, women will continue to provide an enormous subsidy to employers and to society."[6]

Some groups, such as OPSEU, wanted private sector management to bear the costs of pay equity and to assume responsibility for implementing it.[7] A great many expressed concern, however, about financing the program in the broader public sector, where the provincial government provides a large portion of the operating funds. The Ontario Division of CUPE recommended that the "cost of pay equity adjustments should come from the provincial government over and above transfer payment ceilings"[8]; the last clause of the model legislation outlined in the OFL's brief provides "that funding of pay equity programs for the extended public sector does not come from the regressive property tax base, but rather is incorporated into the more progressive income tax base at the provincial level."[9]

The Ontario Coalition for Better Daycare urged that legislation address the problem of funding, noting "with pay equity legislation, there is a real danger that municipalities may decide to reduce their purchase of daycare services."[10] The City of Kitchener also appealed to the government for assistance with costs.

Educational institutions, particularly universities, were concerned that without additional financing, it would be difficult to achieve pay equity. Representatives of Carleton University were united in their request for special funds from provincial government sources. CUPE Local 2424 stated in their brief, "as university employees, we are ... concerned that the cost of a higher salary bill not be covered through budget cuts in other areas, or through higher tuition fees."[11]

The Confederation of Ontario University Staff Associations argued, however, that financial hardship should not be offered as an excuse for non-compliance.[12] Employer associations and individual businesses, such as the APMA, the Ontario Ski Resorts Association and GM, were concerned not just with the direct costs of wage adjustments, but also with pay equity's indirect costs. These include the costs of establishing or modifying an existing job evaluation system and the administrative costs that mandated pay equity or reporting requirements could impose. The Canadian Federation of Independent Business was concerned that the cost of job evaluation to small and medium-sized enterprises would be prohibitive.[13] As well, groups such as the NCC[14] and the Reformed Christian

Business and Professional Association[15] predicted that implementing pay equity would provoke bureaucratic growth within government.

It was acknowledged, however, that both direct and indirect costs are difficult to assess in advance. One reason for this, according to the Retail Council of Canada, is that "costs are not just one shot costs, but, factored into wage rates, are permanent, recurring increases to labour costs."[16] The Ontario Trucking Association suggested that the government could provide "financial assistance to companies for developing valuation (plans)...."[17] On the other hand, the Ottawa-Carleton Board of Trade expected its members to be able to cope with additional costs, given a ceiling of one per cent of the previous year's payroll.[18]

Costs could be phased in over time, according to the Chatham-Kent Women's Centre.[19] The Congress of Canadian Women stated that business has always predicted disastrous economic effects when it concerns legislation that will benefit women,[20] and the London Status of Women Action Group noted that such predictions in other jurisdictions that have implemented pay equity had proven false.[21]

Competitiveness, Investment and Inflation

The competitive position of Ontario business might be compromised if pay equity is implemented on a pro-active basis, said some business groups. Higher wages would increase consumer prices; in highly competitive areas, bankruptcies and the substitution of capital for labour could result, leading to increased unemployment. This was the argument presented by the Sudbury and District Chamber of Commerce, the Board of Trade of Metropolitan Toronto, Mott Manufacturing Ltd., the Association of Ontario Motels and Motor Inns, Fiberglas Canada and the Huntsville Chamber of Commerce, among others.

The Apparel Manufacturers Association of Ontario was particularly concerned and their brief reflects the views of a trade-sensitive sector:

> The apparel industry sells to a retailer who assiduously shops not only the Canadian market but around the world. The Ontario apparel industry is in competition with other manufacturers in jurisdictions (which) do not have Pay Equity legislation. They are also in competition with manufacturers in low-wage countries whose wage rates are not even comparable, let alone based on Pay Equity principles.[22]

In response to such worries, the East York Women Teachers' Association asked:

> Why should thousands of Canadian women be condemned to the living standards of 'Third World low-wage producers' in order to increase the profits of Ontario industry? Does any industry that depends on exploiting women really deserve to survive?[23]

The CMA, the NCC and the Sudbury District Chamber of Commerce shared the view that pay equity would discourage foreign investment in Ontario, and reinvestment by existing firms located in this province. Business might relocate if payroll costs rise, suggested the Council of Ontario Contractors Associations.[24]

This group, along with others such as B.J. Ferguson and ALSBO, suspected that pay equity could have inflationary effects due to the spiralling of wages and the need to increase prices. There was also some concern that unionized employees would attempt to re-establish traditional wage relativities; as a result, pay equity could be undone, and inflation rates would rise. ALSBO did believe, however, that an absolute cap on annual wage increases due to pay equity, such as in Manitoba, would control inflationary effects.[25]

Employment and Other Economic Effects

Some presenters believed that pay equity might, in fact, hurt those it was trying to help — the women of Ontario. This was the view of GM and the Canadian Organization of Small Business. Increased wages for women workers, they said, could lead to accelerated office automation, contracting out and hiring part-time workers, which would mean the loss of clerical and service jobs. Realwomen of Canada felt that pay equity would encourage employers to hire unskilled men over unskilled women, since their wages would now be the same.[26]

Some groups saw pay equity as a handicap to the economic marketplace as it threatened to restrict the current market's flexibility in determining job worth and could inhibit its dynamism. The CMA and the Board of Trade of Metropolitan Toronto were two groups that took this position.

Many groups felt compelled, in their briefs and during the consultations, to answer objections raised by the business community. The OFL, for example, noted that "business and workers alike have benefited for years from 'intrusions' into the

marketplace — (as in) the abolition of child labour, health and safety laws (and) minimum wage laws...."[27]

Benefits

Labour and women's groups were convinced, overall, that the benefits of pay equity would outweigh the costs. The East York Women Teachers' Association suggested that possible benefits would include increased purchasing power and improved pensions. They noted that pay equity could lead to self-sufficient retirement for many women.[28]

CUPE Local 87 stated:

> Many women today are faced with heading households on a limited income. Pay Equity will raise the standard of living for many families in this province. Additional spending power will stimulate the economy, and many families will not have to depend on supplementary and special assistance from Social Services Programs to maintain their families.
>
> Older women will not be faced with inadequate pensions that reduce their circumstance to the poverty level or below in their later years, but can maintain a good standard of living through their final years.[29]

The National Action Committee on the Status of Women met with agreement from the Business and Professional Women's Clubs of Ontario and CAWE when they stated that pay equity's "cost to business will be adequately offset by the returns of increased productivity and efficiency resulting from more informed human resource policies."[30]

HIGHLIGHTS

- *Concern regarding the possible economic impact of pay equity legislation emerged as one of the more contentious issues during the consultations. Many of the briefs and presentations warned of the significant costs and economic effects that they expect from the program.*

- *A large number of groups took the opposite position, suggesting that costs either were irrelevant or were offset by the benefits of such a policy.*

- *Various presenters, underlining the importance of implementing pay equity along with the need to maintain the competitiveness of business, recommended a more balanced position. These groups suggested that employers could better cope with pay equity's cost if tactics like ceilings on wage increases, phase-in periods and government financial assistance were established.*

- *The comments of Polysar Limited summarized the viewpoint of the groups in favour of a measured approach: "We urge caution and moderation in implementing this legislation so that the competitiveness of business both large and small is not destroyed, but, on the other hand, business success must not be achieved at the expense of women."*[31]

CHAPTER 13

OTHER ISSUES

The public consultations on pay equity received a considerable amount of media attention and attracted a large public response. As noted earlier in this report, 236 written submissions were filed and 149 oral presentations were made at the consultations. Thus it is not surprising that some issues raised were outside of the mandate of the consultation panel. When these issues surfaced at the public meetings, the panel reminded the presenters that the discussions must focus on pay equity only.

Certain subjects were addressed frequently, however, with the rationale that they are inextricably linked to the implementation of pay equity. In particular, employment equity/ affirmative action, child care and education were repeatedly raised as subjects that must be considered in tandem with pay equity. Special consideration was also requested for additional issues that would materialize in the wake of an Ontario pay equity policy.

Employment Equity/ Affirmative Action

A note about the use of terms is first in order. In her 1984 Royal Commission report, Equality in Employment, Judge Rosalie Abella proposed "that a new term, 'employment equity,' be adopted to describe programs of positive remedy for discrimination in the Canadian workplace."[1] Judge Abella suggested that such programs might include:

> ... the active recruitment of women into the fullest range of employment opportunities, equal pay for work of equal value, fair consideration for promotions into more responsible positions, participation in corporate policy decision-making through corporate task forces and committees, accessible childcare of adequate quality, paid parental leaves for either parent, and equal pensions and benefits.[2]

The term "employment equity" has indeed entered the vocabulary since 1984. While many take it, however, to mean a package of equity measures, as outlined above, others simply use it interchangeably with the term "affirmative action," which has a narrower meaning. The broader definition embraces pay equity

policies and places more emphasis on measures that facilitate women's full participation in employment, such as child care, flexible work arrangements, etc.; the narrower definition does not include these options. The reader should take these varying interpretations into account when reading this section.

Many groups stressed that pay equity must be viewed as only one of a handful of tools that can be used to rectify the economic inequality of women in the workplace. They also objected to the argument that instead of using pay equity in order to close the wage gap, affirmative action and other employment equity remedies should be expanded.

CAWE stated in its written submission:

> We feel most strongly that pay equity is only a component of employment equity and that the latter is a strategic management issue. We feel this is an excellent opportunity for management to address the larger issue of employment equity, because pay equity is simply one piece of the larger solution necessary to make Canadian women equal partners in the workplace.[3]

Others who shared this holistic view included the Northwestern Ontario Women's Centre, the Business and Professional Women's Clubs of Toronto, the FWTAO and the Ontario Coalition for Better Daycare.

Mandatory affirmative action legislation was one of the measures encouraged by the Coalition on Employment Equity for Persons with Disabilities and the Registered Nurses' Association of Ontario. The Immigrant Women's Information Centre added that mandatory affirmative action laws "should specifically include targets for visible minority women, who continue to face both wage and racial discrimination in the workplace."[4] While the Municipality of Metropolitan Toronto confirmed that it will continue to "identify and eliminate all barriers to equal employment," particularly for women, visible minorities, and the disabled,[5] several groups remained skeptical that this could be achieved through methods other than legislative fiat. The Registered Nurses' Association cited the observation of William McEown, Chairman of the Resources and Equal Opportunity Committee of the U.S. National Association of Manufacturers:

> There is no such thing as voluntary compliance with affirmative action laws. If voluntary compliance worked, Moses would have come down with the Ten Guidelines.[6]

Those groups that favoured affirmative action (or employment equity) strategies as the preferred solution to the wage gap included the CMA, the Business Pay Equity Task Force and Coca-Cola Ltd. The CMA stressed the need for more job opportunities for women and warned that attention should not focus on pay equity as the only corrective measure for salary discrepancies.

Child Care

The issue of accessibility to employment opportunities was frequently coupled with a plea for affordable, accessible child care. Child-care options and funding were among the aspects discussed.

OPSEU Local 702 pointed out that employers are being denied access to a group of capable workers because of inadequate child-care facilities. OPSEU Local 343 called for improvement of these facilities to enable women to gain long-term job experience and training opportunities.

Among the supporters for improved child care were the East York Women Teachers' Association, the Chinese Canadian National Council, the Ontario Coalition for Better Daycare, the Kenora-Keewatin Business and Professional Women's Club and CUPE Local 2204.

The latter group addressed the issue of funding both pay equity and child care:

> While workers can no longer be expected to subsidize the system with low wages, neither can parents afford to bear the costs of implementing pay equity. Both pay equity and quality child care should be basic rights in our society. Our local cannot support one at the expense of another and therefore suggest that public funds be used to ensure that both rights are provided for. We believe that the government should initiate direct grants to licensed child care agencies and that this direct funding be used to offset the cost of pay equity. This suggestion is in line with many lobbying attempts to get government to clearly address the chronic underfunding crisis of child care in Ontario.[7]

Employers agreed that there is a need for better child care. The Canadian Organization of Small Business disapproved of the trend towards government-run child care, preferring a variety of services such as employer-sponsored, private or non-profit and family arrangements.

Education

In discussions on the need for employment equity in the workplace, education often emerged as an important component. Some groups saw it as the key to economic equality for women. For others, it was only one among many routes to be followed.

Several presenters mentioned the need to expose young women to alternative career options. Job training was also often recommended. Professor Eric Cousineau from Queen's University, for example, favoured government financial incentives for women who are training in non-traditional occupations.[8]

The Sudbury Business and Professional Women's Club stressed that massive public education is needed at the employer level and in female-predominated non-unionized labour sectors.[9] The Chinese Canadian National Council made the statement that, in addition to encouraging language and skill training for women, we must ensure that sexism and racism are eliminated from education and the media.[10]

The National Action Committee on the Status of Women cautioned against overestimating current job training programs. This group said that present patterns of education and job training do not indicate an "explosion" of women into non-traditional occupations. National training programs show, "a bias ... towards the training of males" and Canada Employment and Immigration Commission counsellors still "direct women candidates to traditional sectors."[11] Pay equity policies, the committee urged, must be deemed essential in order to break down these job ghettoes.

Further Issues

The minimum wage entered a number of discussions. The Communications and Electrical Workers recommended an increased minimum wage as another weapon that must be used to achieve employment equity.[12] The OFL, among others, concurred. The Chinese Canadian National Council added that "in applying pay equity (for workers doing piecework), the basis for comparison should be (the) average pay of a pieceworker receiving at least minimum wage, plus piecework incentive."[13]

The public consultations conducted in Northern Ontario brought commentary, oral and written, on the special concerns of the region. Employment opportunities in

the better-paid resource industries have been few, "forcing women into the low-paying ghettos of 'women's work'."[14]

Several women's groups in the North urged a strong enforcement mechanism if pay equity legislation is to work there. The Northwestern Ontario Women's Centre added that a Northern pay equity office should "be established in Thunder Bay to deal with, and be responsible to, the concerns of the North."[15]

HIGHLIGHTS

- *A number of submissions emphasized the importance of supportive measures in a pay equity policy. Pay equity, it was stressed, must be viewed as only one policy among many that can be used to rectify the economic inequality of women in the workplace. Those components most frequently mentioned were affirmative action, child care and education.*

FOOTNOTES

CHAPTER 1

1 Public Service Alliance of Canada, written submission to the Consultation Panel on Pay Equity, #163, p. 1.

2 CP Transcript, oral presentation by the National Citizens' Coalition, 15 May 1986, Toronto, Volume 8, p. 246.

3 CP Transcript, oral presentation by the Ontario Federation of Labour, Toronto, 10 February 1986, Toronto, Volume 1, p. 10.

4 Ibid., p. 9.

5 CP Transcript, oral presentation by the Business and Professional Women's Club of Ontario, 10 February 1986, Toronto, Volume 1, p. 136.

6 CP Transcript, oral presentation by the London Status of Women Action Group, 14 May 1986, Toronto, Volume 7, p. 155.

7 National Citizens' Coalition, written submission to the Consultation Panel, #220, p. 23.

8 Charter of Rights Educational Fund, written submission to the Consultation Panel, #214, pp. 20-21.

9 Mathews, Dinsdale and Clark, written submission to the Consultation Panel, #191, p. 4.

10 ORC Canada Inc., written submission to the Consultation Panel, #193, p. 26.

11 Coalition of Visible Minority Women, written submission to the Consultation Panel, #233, p. 1.

CHAPTER 2

1 Business and Professional Women's Clubs of Ontario, written submission to the Consultation Panel on Pay Equity, #9, p. 8.

2 Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 14.

3 CP Transcript, oral presentation by the YWCA of Metropolitan Toronto, 10 February 1986, Toronto, Volume 1, pp. 81-82.

4 Business Pay Equity Task Force, written submission to the Consultation Panel, #234, p. 11.

5 CP Transcript, oral presentation by the Canadian Association of Women Executives, 10 February 1986, Toronto, Volume 1, p. 2.

6 Ontario Federation of Labour, written submission to the Consultation Panel, #6, p. 5.

7 President of Carleton University, written submission to the Consultation Panel, #113, p. 1.

[8] Social Planning Council of Oshawa-Whitby, written submission to the Consultation Panel, #33, p. 2.

[9] Durham West Liberal Association, written submission to the Consultation Panel, #142, p. 2.

[10] Women Working with Immigrant Women, written submission to the Consultation Panel, #232, p. 3.

[11] Christine Elwell, written submission to the Consultation Panel, #207, p. 2.

[12] Day Care Advisory Committee of Metropolitan Toronto, written submission to the Consultation Panel, #204, p. 1.

[13] Association of Municipalities of Ontario, written submission to the Consultation Panel, #179, p. 6.

[14] Municipality of Metropolitan Toronto, written submission to the Consultation Panel, #201, p. 2.

[15] Fiberglas Canada Inc., written submission to the Consultation Panel, #84, p. 10.

[16] Professor Eric Cousineau, written submission to the Consultation Panel, #183, p. 9.

[17] CP Transcript, oral presentation by Polysar Limited, 17 April 1986, Ottawa, Volume 6, p. 322.

[18] United Steelworkers of America, written submission to the Consultation Panel, #90, p. 10.

[19] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 13.

[20] Business and Professional Women's Clubs of Ontario, written submission to the Consultation Panel, #9, p. 8.

[21] CUPE, Local 79, written submission to the Consultation Panel, #210, pp. 5-6.

[22] Retail Council of Canada, written submission to the Consultation Panel, #125, p. 8.

[23] Ibid., p. 9.

[24] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 14.

[25] Canadian Federation of Independent Business, written submission to the Consultation Panel, #92, pp. 11-12.

[26] Association of Large School Boards in Ontario, written submission to the Consultation Panel, #161, p. 16.

[27] Central Ontario Industrial Relations Institute, written submission to the Consultation Panel, #213, p. 11.

[28] CP Transcript, oral presentation by the Canadian Manufacturer's Association, 27 March 1986, Toronto, Volume 5, p. 113.

[29] Sudbury Women's Action Group, written submission to the Consultation Panel, #12, p. 8.

[30] Ibid., p. 13.

[31] Woods Gordon Management Consultants, written submission to the Consultation Panel, #127, p. 5.

[32] Durham West Liberal Association, written submission to the Consultation Panel, #142, p. 2.

[33] General Motors of Canada, written submission to the Consultation Panel, #226, p. 9.

[34] Ibid.

[35] Ottawa Women's Lobby, written submission to the Consultation Panel, #129, p. 15.

[36] Times Change Women's Employment Service, written submission to the Consultation Panel, #7, p. 5.

[37] Ibid.

[38] Ontario Coalition for Better Daycare, written submission to the Consultation Panel, #94, p. 3.

[39] CUPE Local 2204, written submission to the Consultation Panel, #168, p. 6.

[40] Metropolitan Toronto District Council of CUPE, written submission to the Consultation Panel, #100, pp. 6-7.

[41] CUPE Local 1996, written submission to the Consultation Panel, #211, pp. 2-3.

[42] CUPE Local 771, written submission to the Consultation Panel, #181, p. 1.

[43] Ibid., p. 2.

[44] Ontario Nurses' Association, written submission to the Consultation Panel, #58, p. 16.

[45] Women Today, written submission to the Consultation Panel, #206, pp. 1-4.

[46] Automotive Parts Manufacturers' Association of Canada, written submission to the Consultation Panel, #95, p. 5.

[47] Ibid., p. 6.

CHAPTER 3

[1] CP Transcript, oral presentation by the Ad Hoc Committee on Pay Equity, 14 May 1986, Toronto, Volume 7, pp. 93-94.

[2] Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel on Pay Equity, #194, p. 7.

[3] City of Toronto, written submission to the Consultation Panel, #8, p. 6.

[4] Municipality of Metropolitan Toronto, written submission to the Consultation Panel, #201, p. 2.

[5] Federation of Women Teachers' Associations of Ontario, written submission to the Consultation Panel, #1, p. 9.

[6] Durham West Liberal Association, written submission to the Consultation Panel, #142, p. 2.

[7] Board of Trade of Metropolitan Toronto, written submission to the Consultation Panel, #57, pp. 10-11.

[8] Ontario Mining Association, written submission to the Consultation Panel, #13, p. 5.

[9] Ontario Hydro, written submission to the Consultation Panel, #159, p. 2.

[10] Retail Council of Canada, written submission to the Consultation Panel, #125, p. 10.

[11] Ontario Public School Trustees' Association, written submission to the Consultation Panel, #223, p. 5.

[12] Ontario Nurses' Association, written submission to the Consultation Panel, #58, p. 22.

[13] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 15.

[14] Sudbury Women's Centre, written submission to the Consultation Panel, #22, p. 7.

[15] CP Transcript, oral presentation by the CUPE Sudbury Area Council, 24 February 1986, Sudbury, Volume 2, p. 28.

[16] Business and Professional Women's Clubs of London and Stratford, written submission to the Consultation Panel, #69, p. 5.

[17] CUPE, Ontario Division, written submission to the Consultation Panel, #209, p. 14.

[18] Ibid., p. 15.

[19] CUPE Local 1000, written submission to the Consultation Panel, #208, p. 3.

[20] CP Transcript, oral presentation by the Charter of Rights Educational Fund, 14 May 1986, Toronto, Volume 7, p. 249.

[21] Ontario Trucking Association, written submission to the Consultation Panel, #174, p. 5.

[22] Association of Municipalities of Ontario, written submission to the Consultation Panel, #179, p. 7.

[23] CP Transcript, oral presentation by the Association of Municipalities of Ontario, 14 May 1986, Toronto, Volume 7, p. 35.

[24] Association of Municipalities of Ontario, written submission to the Consultation Panel, #179, p. 2.

25 CUPE Local 2424, written submission to the Consultation Panel, #151, p. 8.

26 CP Transcript, oral presentation by the Ottawa Women's Lobby, 17 April 1986, Ottawa, Volume 6, p. 24.

27 Municipal Electric Association, written submission to the Consultation Panel, #104, p. 1.

28 Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 7.

29 Toronto Transit Commission, written submission to the Consultation Panel, #186, pp. 4-5.

30 Ontario Coalition for Better Daycare, written submission to the Consultation Panel, #94, p. 2.

31 CUPE, Ontario Division, written submission to the Consultation Panel, #209, pp. 7-8.

32 Association of Large School Boards in Ontario, written submission to the Consultation Panel, #161, p. 22.

33 Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 9.

34 Business and Professional Women's Clubs of Ontario, written submission to the Consultation Panel, #9, p. 9.

35 CP Transcript, oral presentation by the Federation of Women Teachers' Associations of Ontario, 10 February 1986, Toronto, Volume 1, p. 197.

36 Ibid., pp. 183-84.

37 Public Service Alliance of Canada, written submission to the Consultation Panel, #163, p. 6.

38 National Action Committee on the Status of Women, written submission to the Consultation Panel, #212, pp. 11-12.

39 Times Change Women's Employment Service, written submission to the Consultation Panel, #7, p. 5.

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1 Times Change Women's Employment Service, written submission to the Consultation Panel on Pay Equity, #7, p. 4.

2 United Food and Commercial Workers International Union, written submission to the Consultation Panel, #116, p. 7.

3 Ontario Nurses' Association, written submission to the Consultation Panel, #58, p. 5.

4 Polysar Limited, written submission to the Consultation Panel, #165, p. 7.

5 Retail Council of Canada, written submission to the Consultation Panel, #125, p. 16.

6 CP Transcript, oral presentation by the Canadian Association of Women Executives, 10 February 1986, Toronto, Volume 1, p. 87.

7 CP Transcript, oral presentation by the Chinese Canadian National Council, 15 May 1986, Toronto, Volume 8, p. 121.

8 Coalition of Visible Minority Women, written submission to the Consultation Panel, #223, p. 2.

9 Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, p. 19.

10 Polysar Limited, written submission to the Consultation Panel, #165, p. 7.

11 CP Transcript, oral presentation by the Canadian Association of Women Executives, 10 February 1986, Toronto, Volume 1, p. 88.

12 Charter of Rights Educational Fund, written submission to the Consultation Panel, #214, p. 6.

13 Accommodation Motel Ontario Association, written submission to the Consultation Panel, #35, p. 1.

14 Automotive Parts Manufacturers' Association of Canada, written submission to the Consultation Panel, #95, p. 7.

15 Oshawa YWCA, written submission to the Consultation Panel, #115, p. 2.

16 OPSEU, Provincial Women's Committee, written submission to the Consultation Panel, #10, p. 2.

17 Association of Large School Boards in Ontario, written submission to the Consultation Panel, #161, pp. 26-27.

18 Personnel Association of Ontario, written submission to the Consultation Panel, #5, p. 15.

19 Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 11.

20 CP Transcript, oral presentation by the OPSEU Provincial Women's Committee and the Women's Committee of the Thunder Bay and District Labour Council, 5 March 1986, Thunder Bay, Volume 3, p. 73.

21 Apparel Manufacturers Association of Ontario, written submission to the Consultation Panel, #150, p. 10.

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1 Personnel Systems, written submission to the Consultation Panel on Pay Equity, #124, pp. 3-4.

2 CP Transcript, oral presentation by the Ontario Committee on the Status of Women, 27 March 1986, Toronto, Volume 5, p. 37.

3 Woods Gordon Management Consultants, written submission to the Consultation Panel, #127, pp. 6-7.

[4] Cummings Signs of Canada (1984) Ltd., written submission to the Consultation Panel, #37, p. 1.

[5] Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 15.

[6] CP Transcript, oral presentation by the Canadian Federation of Independent Business, 27 March 1986, Toronto, Volume 5, p. 48.

[7] Sudbury Women's Action Group, written submission to the Consultation Panel, #12, p. 9.

[8] Coordinator for the Status of Women, Carleton University, written submission to the Consultation Panel, #158, p. 3.

[9] Ontario Secondary School Teachers' Federation, written submission to the Consultation Panel, #29, p. 4.

[10] United Steelworkers of America, written submission to the Consultation Panel, #90, p. 15.

[11] Ontario Municipal Personnel Association, written submission to the Consultation Panel, #230, p. 5.

[12] Association of Municipalities of Ontario, written submission to the Consultation Panel, #179, p. 7.

[13] Board of Education for the City of Toronto, written submission to the Consultation Panel, #111, p. 5.

[14] Organized Working Women (Ottawa Chapter) and the Ottawa and District Labour Council, written submission to the Consultation Panel, #169, p. 11.

[15] CP Transcript, oral presentation by the Sudbury Women's Action Group, 24 February 1986, Sudbury, Volume 2, pp. 74-75.

[16] Hansen Consultants, written submission to the Consultation Panel, #27, pp. 9-10.

[17] Woods Gordon Management Consultants, written submission to the Consultation Panel, #127, p. 7.

[18] Ontario Mining Association, written submission to the Consultation Panel, #13, p. 7.

[19] Ontario Committee on the Status of Women, written submission to the Consultation Panel, #78, p. 7.

[20] Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, p. 10.

[21] Personnel Systems, written submission to the Consultation Panel, #124, p. 9.

[22] Ontario Chamber of Commerce, written submission to the Consultation Panel, #187, p. 8.

[23] Ontario Committee on the Status of Women, written submission to the Consultation Panel, #78, p. 3.

[24] Municipal Electric Association, written submission to the Consultation Panel, #104, p. 2.

[25] Association of Municipalities of Ontario, written submission to the Consultation Panel, #179, p. 7.

[26] Polysar Limited, written submission to the Consultation Panel, #165, p. 4.

[27] CP Transcript, oral presentation by the Ad Hoc Committee on Pay Equity, 14 May 1986, Toronto, Volume 7, p. 104.

[28] Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, p. 19.

[29] CP Transcript, oral presentation by the Ad Hoc Committee on Pay Equity, 14 May 1986, Toronto, Volume 7, p. 104.

[30] United Steelworkers of America, written submission to the Consultation Panel, #90, pp. 15-16.

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[1] Canadian Association of Women Executives, written submission to the Consultation Panel on Pay Equity, #2, p. 6.

[2] Woods Gordon Management Consultants, written submission to the Consultation Panel, #127, p. 8.

[3] CP Transcript, oral presentation by Christine Elwell, 15 May 1986, Toronto, Volume 8, p. 71.

[4] CP Transcript, oral presentation by the Congress of Canadian Women, 14 May 1986, Toronto, Volume 7, p. 175.

[5] Polysar Limited, written submission to the Consultation Panel, #165, p. 5.

[6] Ontario Hydro, written submission to the Consultation Panel, #159, p. 3.

[7] Ontario Trucking Association, written submission to the Consultation Panel, #174, p. 6.

[8] CP Transcript, oral presentation by the Municipality of Metropolitan Toronto, 14 May 1986, Toronto, Volume 7, p. 138.

[9] CP Transcript, oral presentation by the Council of Ontario Contractors Associations, 15 May 1986, Toronto, Volume 8, p. 310.

[10] Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 5.

[11] Ottawa Women's Lobby, written submission to the Consultation Panel, #129, p. 14.

[12] Affirmative Action Task Force of the City of Windsor, written submission to the Consultation Panel, #67, p. 2.

[13] Business and Professional Women's Clubs of Ontario, written submission to the Consultation Panel, #9, p. 14.

[14] Sudbury Women's Action Group, written submission to the Consultation Panel, #12, p. 13.

[15] Metropolitan Toronto Board of Trade, written submission to the Consultation Panel, #57, pp. 17-18.

[16] Association of Large School Boards in Ontario, written submission to the Consultation Panel, #161, p. 29.

[17] CP Transcript, oral presentation by the Equal Pay Coalition, 10 February 1986, Toronto, Volume I, p. 46.

CHAPTER 7

[1] Council of Ontario Contractors Associations, written submission to the Consultation Panel on Pay Equity, #200, p. 30.

[2] Toronto Transit Commission, written submission to the Consultation Panel, #186, p. 1.

[3] Ontario Trucking Association, written submission to the Consultation Panel, #174, p. 7.

[4] Ontario Chamber of Commerce, written submission to the Consultation Panel, #187, p. 11.

[5] Ottawa-Carleton Board of Trade, written submission to the Consultation Panel, #170, p. 7.

[6] Ottawa Women's Lobby, written submission to the Consultation Panel, #129, p. 16.

[7] Council of Ontario Universities, written submission to the Consultation Panel, #181, p. 6.

[8] Communications and Electrical Workers of Canada, written submission to the Consultation Panel, #166, p. 6.

[9] Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, p. 17.

[10] Canadian Organization of Small Business, written submission to the Consultation Panel, #91, p. iii.

[11] Fiberglas Canada Inc., written submission to the Consultation Panel, #84, p. 9.

[12] Charter of Rights Educational Fund, written submission to the Consultation Panel, #214, p. 5.

[13] Canadian Association of Women Executives, written submission to the Consultation Panel, #2, p. 5.

[14] Toronto Transit Commission, written submission to the Consultation Panel, #186, p. 8.

15 Board of Trade of Metropolitan Toronto, written submission to the Consultation Panel, #57, p. 20.

16 Ontario Chamber of Commerce, written submission to the Consultation Panel, #187, p. 13.

17 Labour Council of Metropolitan Toronto, written submission to the Consultation Panel, #215, p. 4.

18 OPSEU, written submission to the Consultation Panel, #218, p. 18.

19 CP Transcript, oral presentation by the Sudbury Women's Centre, 24 February 1986, Sudbury, Volume 2, p. 8.

20 Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 25.

21 United Steelworkers of America, written submission to the Consultation Panel, #90, p. 11.

22 Municipality of Metropolitan Toronto, written submission to the Consultation Panel, #201, p. 4.

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25 Business and Professional Women's Clubs of London and Stratford, written submission to the Consultation Panel, #69, p. 8.

26 Ontario Committee on the Status of Women, written submission to the Consultation Panel, #78, p. 8.

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28 Retail Council of Canada, written submission to the Consultation Panel, #125, p. 17.

29 CUPE Local 79, written submission to the Consultation Panel, #210, p. 11.

30 Immigrant Women's Information Centre, written submission to the Consultation Panel, #54, p. 3.

31 Co-ordinator for the Status of Women, Carleton University, written submission to the Consultation Panel, #158, p. 5.

32 Women Teachers' Association of Ottawa, written submission to the Consultation Panel, #147, p. 4.

33 Service Employees International Union, written submission to the Consultation Panel, #178, p. 10.

34 Retail Council of Canada, written submission to the Consultation Panel, #125, p. 17.

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2 Public Service Alliance of Canada, written submission to the Consultation Panel, #163, p. 4.

3 CP Transcript, oral presentation by the Communications and Electrical Workers of Canada, 17 April 1986, Ottawa, Volume 6, p. 248.

4 Metropolitan Toronto Board of Trade, written submission to the Consultation Panel, #57, p. 14.

5 OPSEU, written submission to the Consultation Panel, #218, p. 6.

6 Sudbury Business and Professional Women's Club, written submission to the Consultation Panel, #21, p. 9.

7 YWCA of Metropolitan Toronto, written submission to the Consultation Panel, #3, p. 11.

8 CUPE Local 1996, written submission to the Consultation Panel, #211, pp. 8-9.

9 Ottawa-Carleton Board of Trade, written submission to the Consultation Panel, #170, p. 6.

10 Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 4.

11 Council of Ontario Universities, Committee on the Status of Women, written submission to the Consultation Panel, #181, p. 5.

12 CP Transcript, oral presentation by Woods Gordon Management Consultants, 17 April 1986, Ottawa, Volume 6, p. 137.

13 Organized Working Women, Ottawa Chapter and the Ottawa and District Labour Council, written submission to the Consultation Panel, #169, pp. 8-9.

14 CP Transcript, oral presentation by the OPSEU Provincial Women's Committee, Region 1, 5 March 1986, Windsor, Volume 3, p. 51.

15 YWCA of Metropolitan Toronto, written submission to the Consultation Panel, #3, p. 11.

16 CP Transcript, oral presentation by the OPSEU Provincial Women's Committee, Region 1, 5 March 1986, Windsor, Volume 3, pp. 51-52, 59-60.

17 Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, p. 14.

18 Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 22.

19 Municipality of Metropolitan Toronto, written submission to the Consultation Panel, #201, p. 4.

20 Canadian Federation of Independent Business, written submission to the Consultation Panel, #92, p. 16.

[21] CP Transcript, oral presentation by the Equal Pay Project of the University of Windsor, 11 March 1986, Windsor, Volume 3, p. 210.

[22] Business and Professional Women's Clubs of London and Stratford, written submission to the Consultation Panel, #69, p. 7.

[23] Communications and Electrical Workers of Canada, written submission to the Consultation Panel, #166, p. 7.

[24] Organized Working Women, Ottawa Chapter and the Ottawa and District Labour Council, written submission to the Consultation Panel, #169, p. 9.

[25] CP Transcript, oral presentation by the OPSEU Provincial Women's Committee, Region 1, 11 March 1986, Windsor, Volume 3, p. 49.

[26] Ottawa-Carleton Board of Trade, written submission to the Consultation Panel, #170, p. 6.

[27] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 22.

[28] CUPE, Ontario Division, written submission to the Consultation Panel, #209, p. 22.

[29] CP Transcript, oral presentation by the OPSEU Provincial Women's Committee, Region 1, 11 March 1986, Windsor, Volume 3, p. 50.

[30] UAW Local 89, written submission to the Consultation Panel, #63, p. 4.

[31] Municipal Electric Association, written submission to the Consultation Panel, #104, pp. 2-3.

[32] Polysar Limited, written submission to the Consultation Panel, #165, p. 6.

[33] Central Ontario Industrial Relations Institute, written submission to the Consultation Panel, #213, p. 12.

[34] Metropolitan Toronto Board of Trade, written submission to the Consultation Panel, #57, p. 14.

[35] Ibid., p. 15.

[36] Ontario Hydro, written submission to the Consultation Panel, #159, p. 4.

CHAPTER 9

[1] Mathews, Dinsdale and Clark, written submission to the Consultation Panel on Pay Equity, #191, p. 8.

[2] North York Women Teachers' Association, written submission to the Consultation Panel, #102, p. 6.

[3] National Union of Provincial Government Employees, written submission to the Consultation Panel, #162, p. 8.

[4] Day Care Advisory Committee of Metropolitan Toronto, written submission to the Consultation Panel, #204, p. 10.

[5] Federation of Women Teachers' Associations of Ontario, written submission to the Consultation Panel, #1, p. ii.

[6] University of Western Ontario Staff Association, written submission to the Consultation Panel, #53, pp. 1-2.

[7] Ontario Nurses' Association, written submission to the Consultation Panel, #58, p. 5.

[8] Ontario Federation of Labour, written submission to the Consultation Panel, #6, p. 7.

[9] Windsor Women's Incentive Centre, written submission to the Consultation Panel, #66, p. 2.

[10] Ottawa-Carleton Board of Trade, written submission to the Consultation Panel, #170, p. 4.

[11] Retail Council of Canada, written submission to the Consultation Panel, #125, p. 21.

[12] CUPE, Ontario Division, written submission to the Consultation Panel, #209, p. 29.

[13] Federation of Women Teachers' Associations of Ontario, written submission to the Consultation Panel, #1, p. 18.

[14] Durham West Liberal Association, written submission to the Consultation Panel, #142, p. 4.

[15] Municipal Electric Association, written submission to the Consultation Panel, #104, p. 3.

[16] Ontario Hydro, written submission to the Consultation Panel, #159, p. 1.

[17] Ontario Federation of Labour, written submission to the Consultation Panel, #6, p. 14.

[18] Board of Education for the City of North York, written submission to the Consultation Panel, #205, p. 6.

[19] Sudbury Women's Action Group, written submission to the Consultation Panel, #12, p. 5.

[20] Ontario Committee on the Status of Women, written submission to the Consultation Panel, #78, p. 8.

[21] Canadian Federation of Independent Business, written submission to the Consultation Panel, #92, p. 17.

[22] Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, pp. iii-iv.

[23] Association of Large School Boards in Ontario, written submission to the Consultation Panel, #161, p. 32.

[24] Polysar Limited, written submission to the Consultation Panel, #165, p. 7.

[25] Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 5.

[26] Ontario Mining Association, written submission to the Consultation Panel, #13, p. 6.

[27] Ottawa Women's Lobby, written submission to the Consultation Panel, #129, p. 19.

[28] YWCA of Metropolitan Toronto, written submission to the Consultation Panel, #3, p. 14.

[29] Ottawa Women's Lobby, written submission to the Consultation Panel, #129, p. 19.

[30] National Union of Provincial Government Employees, written submission to the Consultation Panel, #162, p. 8.

[31] Ontario Trucking Association, written submission to the Consultation Panel, #174, p. 7.

[32] CUPE Local 79, written submission to the Consultation Panel, #210, p. 12.

[33] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 47.

[34] Business and Professional Women's Clubs of Ontario, written submission to the Consultation Panel, #9, p. 18.

[35] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 33.

[36] CUPE Local 79, written submission to the Consultation Panel, #210, p. 12.

[37] CUPE, Ontario Division, written submission to the Consultation Panel, #209, p. 29.

[38] Kenora-Keewatin Business and Professional Women's Club, written submission to the Consultation Panel, #28, p. 16.

CHAPTER 10

[1] OPSEU Provincial Women's Committee, written submission to the Consultation Panel on Pay Equity, #10, p. 3.

[2] OPSEU, written submission to the Consultation Panel, #218, p. 10.

[3] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 28.

[4] Metropolitan Toronto Board of Trade, written submission to the Consultation Panel, #57, p. 22.

[5] Dexter-Lawson Manufacturing Inc., written submission to the Consultation Panel, #72, p. 1.

[6] Canadian Organization of Small Business, written submission to the Consultation Panel, #91, p. 3.

[7] Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, p. 21.

[8] Mathews, Dinsdale and Clark, written submission to the Consultation Panel, #191, p. 5.

[9] Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 14.

[10] CUPE, Ontario Division, written submission to the Consultation Panel, #209, p. 24.

[11] OPSEU, written submission to the Consultation Panel, #218, p. 19.

[12] CP Transcript, oral presentation by the Federation of Women Teachers' Associations of Ontario, 10 February 1986, Toronto, Volume I, p. 186.

[13] Ad Hoc Committee on Pay Equity, written submission to the Consultation Panel, #194, p. 21.

[14] Barb Coombs, written submission to the Consultation Panel, #47, p. 2.

[15] CP Transcript, oral presentation by OPSEU, Local 137, St. Clair College, 11 March 1986, Windsor, Volume 3, p. 92.

[16] Ontario Nurses' Association, written submission to the Consultation Panel, #58, p. 12.

[17] Ontario Federation of Labour, written submission to the Consultation Panel, #6, p. 9.

[18] Business and Professional Women's Clubs of London and Stratford, written submission to the Consultation Panel, #69, p. 9.

[19] Communications and Electrical Workers of Canada, written submission to the Consultation Panel, #166, p. 11.

[20] United Steelworkers of America, District 6 and Local 6624, written submission to the Consultation Panel, #90, p. 16.

[21] Ontario Trucking Association, written submission to the Consultation Panel, #174, p. 7.

[22] CP Transcript, oral presentation by the Ottawa-Carleton Board of Trade, 17 April 1986, Ottawa, Volume 6, pp. 100-101.

[23] CP Transcript, oral presentation by the Ontario Mining Association, 24 February, 1986, Sudbury, Volume 2, p. 60.

[24] Board of Education for the City of North York, written submission to the Consultation Panel, #205, p. 6.

[25] Business and Professional Women's Clubs of London and Stratford, written submission to the Consultation Panel, #69, p. 9.

[26] Ontario Committee on the Status of Women, written submission to the Consultation Panel, #78, p. 9.

[27] Association of Municipalities of Ontario, written submission to the Consultation Panel, #179, p. 14.

[28] CP Transcript, oral presentation by John G. Kelly, 14 May 1986, Toronto, Volume 7, pp. 164-66.

[29] Canadian Organization of Small Business, written submission to the Consultation Panel, #91, p. 19.

[30] Canadian Association of Women Executives, written submission to the Consultation Panel, #2, p. 9.

[31] Christine Elwell, written submission to the Consultation Panel, #207, p. 21.

[32] United Steelworkers of America, written submission to the Consultation Panel, #90, p. 18.

[33] OPSEU, written submission to the Consultation Panel, #218, p. 21.

CHAPTER 11

[1] Municipality of Metropolitan Toronto, written submission to the Consultation Panel on Pay Equity, #201, p. 5.

[2] Board of Education for the City of North York, written submission to the Consultation Panel, #205, p. 7.

[3] Office and Professional Employees International Union, Local 454, written submission to the Consultation Panel, #42, p. 7.

[4] Equal Pay Coalition, written submission to the Consultation Panel, #4, p. 33.

[5] Ibid.

[6] Ontario Chamber of Commerce, written submission to the Consultation Panel, #187, p. 5.

[7] Apparel Manufacturers Association of Ontario, written submission to the Consultation Panel, #150, p. 6.

[8] YWCA of Metropolitan Toronto, written submission to the Consultation Panel, #3, p. 16.

[9] East York Women Teachers' Association, written submission to the Consultation Panel, #101, p. 12.

[10] Association of Large School Boards in Ontario, written submission to the Consultation Panel, #161, p. 37.

[11] Day Care Advisory Committee of Metropolitan Toronto, written submission to the Consultation Panel, #204, p. 12.

[12] Automotive Parts Manufacturers' Association of Canada, written submission to the Consultation Panel, #95, p. 4.

[13] CP Transcript, oral presentation by the Laurentian University Staff Association, 24 February 1986, Sudbury, Volume 2, p. 133.

[14] CP Transcript, oral presentation by the Confederation of Canadian Unions, 27 March 1986, Toronto, Volume 5, p. 29.

[15] UAW of Canada, written submission to the Consultation Panel, #64, p. 3.

[16] Women Teachers' Association of Ottawa, written submission to the Consultation Panel, #147, p. 6.

[17] North York Women Teachers' Association, written submission to the Consultation Panel, #102, p. 7.

[18] Women's Committee of the Thunder Bay and District Labour Council and OPSEU Provincial Women's Committee, written submission to the Consultation Panel, #45, p. 3.

[19] United Steelworkers of America, written submission to the Consultation Panel, #90, p. 14.

[20] Ontario Federation of Labour, written submission to the Consultation Panel, #6, p. 19.

[21] Ontario Nurses' Association, written submission to the Consultation Panel, #58, p. 3.

[22] Southern Ontario Newspaper Guild, written submission to the Consultation Panel, #185, p. 3.

[23] Woods Gordon Management Consultants, written submission to the Consultation Panel, #127, p. 9.

[24] Canadian Manufacturers' Association, written submission to the Consultation Panel, #88, p. 2.

[25] Reformed Christian Business and Professional Association, written submission to the Consultation Panel, #98, p. 7.

[26] Ontario Hospital Association, written submission to the Consultation Panel, #190, pp. 6-7.

[27] Ontario Hydro, written submission to the Consultation Panel, #159, p. 2.

[28] Ottawa-Carleton Board of Trade, written submission to the Consultation Panel, #170, p. 9.

[29] Ontario Hospital Association, written submission to the Consultation Panel, #190, p. 3.

[30] Ibid., pp. 10-11.

[31] CP Transcript, oral presentation by the Sudbury Women's Action Group, 24 February, 1986, Sudbury, Volume 2, pp. 78-79.

[32] OPSEU, Provincial Women's Committee, written submission to the Consultation Panel, #10, p. 2a.

[33] University Hospital, written submission to the Consultation Panel, #120, p. 2.

[34] Metropolitan Toronto Board of Trade, written submission to the Consultation Panel, #57, p. 32.

[35] CP Transcript, oral presentation by the Canadian Manufacturers' Association, Ontario Division, March 1986, Toronto, Volume 5, p. 136.

[36] CP Transcript, oral presentation by the Automotive Parts Manufacturers' Association of Canada, 27 March 1986, Toronto, Volume 5, p. 151.

[37] Organized Working Women, written submission to the Consultation Panel, #99, p. 6.

[38] Southern Ontario Newspaper Guild, written submission to the Consultation Panel, #185, p. 5.

[39] Woods Gordon Management Consultants, written submission to the Consultation Panel, #127, p. 9.

CHAPTER 12

[1] Windsor Women Teachers' Association, written submission to the Consultation Panel on Pay Equity, #65, p. 3.

[2] UAW Local 89, written submission to the Consultation Panel, #63, pp. 5-6.

[3] Federation of Women Teachers' Associations of Ontario, written submission to the Consultation Panel, #1, p. 23.

[4] CP Transcript, oral presentation by the Office and Professional Employees International Union, Local 454, 5 March 1986, Thunder Bay, Volume 3, p. 32.

[5] Labour Council of Metropolitan Toronto, written submission to the Consultation Panel, #215, pp. 5-6.

[6] CP Transcript, oral presentation by the YWCA of Metropolitan Toronto, 10 February 1986, Toronto, Volume 1, p. 73.

[7] OPSEU, written submission to the Consultation Panel, #218, p. 23.

[8] CUPE, Ontario Division, written submission to the Consultation Panel, #209, p. 32.

[9] Ontario Federation of Labour, written submission to the Consultation Panel, #6, p. 19.

[10] Ontario Coalition for Better Daycare, written submission to the Consultation Panel, #94, p. 4.

[11] CUPE Local 2424, written submission to the Consultation Panel, #151, p. 21.

[12] Confederation of Ontario University Staff Associations, written submission to the Consultation Panel, #96, p. 3.

[13] Canadian Federation of Independent Business, written submission to the Consultation Panel, #92, p. 9.

[14] National Citizens' Coalition, written submission to the Consultation Panel, #220, p. 20.

[15] Reformed Christian Business and Professional Association, written submission to the Consultation Panel, #98, pp. 5-6.

[16] Retail Council of Canada, written submission to the Consultation Panel, #125, p. 18.

[17] Ontario Trucking Association, written submission to the Consultation Panel, #174, p. 7.

[18] Ottawa-Carleton Board of Trade, written submission to the Consultation Panel, #170, p. 8.

[19] Chatham-Kent Women's Centre, written submission to the Consultation Panel, #56, p. 3.

[20] Congress of Canadian Women, written submission to the Consultation Panel, #182, p. 2.

[21] London Status of Women Action Group, written submission to the Consultation Panel, #224, p. 5.

[22] Apparel Manufacturers Association of Ontario, written submission to the Consultation Panel, #150, p. 7.

[23] East York Women Teachers' Association, written submission to the Consultation Panel, #101, p. 10.

[24] Council of Ontario Contractors Associations, written submission to the Consultation Panel, #200, p. 10.

[25] Association of Large School Boards in Ontario, written submission to the Consultation Panel, #161, p. 38.

[26] Realwomen of Canada, written submission to the Consultation Panel, #199, pp. 7-8.

[27] Ontario Federation of Labour, written submission to the Consultation Panel, #6, p. 20.

[28] East York Women Teachers' Association, written submission to the Consultation Panel, #101, p. 11.

[29] CUPE Local 87, written submission to the Consultation Panel, #46, p. 6.

[30] National Action Committee on the Status of Women, written submission to the Consultation Panel, #212, p. 9.

[31] Polysar Limited, written submission to the Consultation Panel, #165, p. 9.

CHAPTER 13

[1] Judge Rosalie Silberman Abella, Equality in Employment: A Royal Commission Report, Volume 1 (Ottawa: Minister of Supply and Services Canada, 1984), p. 7.

2 Ibid., p. 4.

3 Canadian Association of Women Executives, written submission to the Consultation Panel on Pay Equity, #2, p. 2.

4 Immigrant Women's Information Centre, written submission to the Consultation Panel, #54, p. 2.

5 Municipality of Metropolitan Toronto, written submission to the Consultation Panel, #201, p. 1.

6 Registered Nurses' Association of Ontario, written submission to the Consultation Panel, #52, p. 3.

7 CUPE Local 2204, written submission to the Consultation Panel, #168, p. 7.

8 Professor Eric Cousineau, written submission to the Consultation Panel, #183, p. 10.

9 Sudbury Business and Professional Women's Club, written submission to the Consultation Panel, #21, p. 5.

10 CP Transcript, oral presentation by the Chinese Canadian National Council, 15 May 1986, Toronto, Volume 8, p. 123.

11 National Action Committee on the Status of Women, written submission to the Consultation Panel, #212, p. 4.

12 Communications and Electrical Workers of Canada, written submission to the Consultation Panel, #166, p. 11.

13 CP Transcript, oral presentation by the Chinese Canadian National Council, 15 May 1986, Toronto, Volume 8, pp. 122-23.

14 Northwestern Ontario Women's Decade Council, written submission to the Consultation Panel, #41, p. 2.

15 Northwestern Ontario Women's Centre, written submission to the Consultation Panel, #43, p. 4.

APPENDIX A

ORAL PRESENTATIONS MADE TO THE CONSULTATION PANEL ON PAY EQUITY

Location	*Date*	*Submission*	*Transcript Volume Number*
Toronto	10 February 1986	Ontario Federation of Labour	1
		Equal Pay Coalition	1
		Times Change Women's Employment Service	1
		Young Women's Christian Association of Metropolitan Toronto	1
		Canadian Association of Women Executives	1
		City of Toronto	1
		Business and Professional Women's Clubs of Ontario	1
		OPSEU, Provincial Women's Committee	1
		OPSEU, Representing Support Staff at Seneca College	1
		Federation of Women Teachers' Associations of Ontario	1
Sudbury	24 February 1986	Sudbury Women's Centre	2
		Sudbury and District Chamber of Commerce	2
		CUPE, Sudbury Area Council	2
		Ontario Mining Association	2
		Sudbury Women's Action Group	2
		OSSTF, Status of Women Committee, Sudbury	2
		Sault Ste. Marie and District Women for Women	2
		Sudbury Business and Professional Women's Club	2
		OPSEU locals 655 and 656	2

Location	*Date*	*Submission*	*Transcript Volume Number*
Sudbury	24 February 1986	Sudbury Women Teachers' Association	2
		Laurentian University Staff Association	2
Thunder Bay	5 March 1986	OSSTF, District 29 (Superior)	3
		Northwestern Ontario Women's Decade Council	3
		Office and Professional Employees International Union (OPEIU), Local 454	3
		Lakehead Women Teachers' Association	3
		Northwestern Ontario Women's Centre	3
		Kenora-Keewatin Business and Professional Women's Club	3
		OPSEU Local 702	3
		Women's Committee of the Thunder Bay and District Labour Council; OPSEU Provincial Women's Committee	3
		CUPE Local 87	3
		Barb Coombs	3
Windsor	11 March 1986	Affirmative Action Task Force, City of Windsor	4
		Faculty of Human Kinetics, University of Windsor	4
		United Auto Workers Union of Canada (UAW)	4
		OPSEU, Provincial Women's Committee, Region 1; and London and District Labour Council	4
		Faculty of Fanshawe College	4
		Windsor and District Labour Council	4
		OPSEU Local 137	4

Location	*Date*	*Submission*	*Transcript Volume Number*
Windsor	11 March 1986	Registered Nurses' Association of Ontario	4
		Elizabeth Switzer and Donna Champagne	4
		CUPE Local 1791	4
		CUPE, London and District Council	4
		University of Western Ontario Staff Association	4
		Business and Professional Women's Club of Windsor	4
		Windsor Women Teachers' Association	4
		Immigrant Women's Information Centre	4
		Equal Pay Project, University of Windsor	4
		Windsor Women's Incentive Centre	4
		Chatham-Kent Women's Centre	4
Toronto	27 March 1986	Hansen Consultants Ltd.	5
		Board of Trade of Metropolitan Toronto	5
		Confederation of Canadian Unions	5
		Ontario Committee on the Status of Women	5
		Canadian Federation of Independent Business	5
		Ontario Nurses' Association	5
		Business and Professional Women's Clubs of London and Stratford	5
		Confederation of Ontario University Staff Associations	5
		Ontario Federation of Students, Women's Issues Caucus	5
		Reformed Christian Business & Professional Association	5

Location	*Date*	*Submission*	*Transcript Volume Number*
Toronto	27 March 1986	Canadian Manufacturers' Association, Ontario Division	5
		Automotive Parts Manufacturers' Association of Canada	5
		United Steelworkers of America, District 6; and Local 6624	5
		Ontario Coalition for Better Daycare	5
		Canadian Organization of Small Business	5
		Organized Working Women	5
		Office and Professional Employees International Union, Local 343	5
		Alliance of Canadian Television and Radio Arts, National ACTRA Women's Committee	5
		CUPE, Metropolitan Toronto District Council	5
		East York Women Teachers' Association	5
		North York Women Teachers' Association	5
Ottawa	17 April 1986	Retail Council of Canada	6
		Ottawa Women's Lobby	6
		Charles Caccia, MP	6
		Organized Working Women, Ottawa Chapter; and the Ottawa and District Labour Council	6
		OPSEU locals 345 and 454; and OPSEU Provincial Women's Committee, Region 3	6
		Ottawa-Carleton Board of Trade	6
		Retired Workers Department, UAW Canada	6
		Woods Gordon Management Consultants	6
		Women Teachers' Association of Ottawa	6

Location	*Date*	*Submission*	*Transcript Volume Number*
Ottawa	17 April 1986	Apparel Manufacturers Association of Ontario	6
		Bruce Cormack Associates Limited	6
		OSSTF Status of Women Committee, Kingston	6
		CUPE Local 2424	6
		CUPE Local 2204	6
		Communications and Electrical Workers of Canada	6
		CUPE locals 870 and 883; and Region 5	6
		CUPE Local 503	6
		Public Service Alliance of Canada	6
		Polysar Limited	6
		National Union of Provincial Government Employees	6
		CUPE Local 1302	6
Toronto	14 May 1986	National Action Committee on the Status of Women	7
		Day Care Advisory Committee of Metropolitan Toronto	7
		Association of Municipalities of Ontario	7
		Central Ontario Industrial Relations Institute	7
		Southern Ontario Newspaper Guild	7
		Coalition on Employment Equity for Persons with Disabilities	7
		Ad Hoc Committee on Pay Equity	7
		ORC Canada Inc. (Organization Resource Counselors)	7
		Council of Ontario Universities, Committee on the Status of Women	7

Location	*Date*	*Submission*	*Transcript Volume Number*
Toronto	14 May 1986	Municipality of Metropolitan Toronto	7
		Law Union of Ontario; Women Working with Immigrant Women; and Coalition of Visible Minority Women	7
		London Status of Women Action Group	7
		John Kelly	7
		Congress of Canadian Women	7
		Christian Labour Association of Canada	7
		CUPE, Ontario Division	7
		CUPE locals 79 and 43	7
		CUPE locals 1582, 771 and 1996	7
		CUPE Local 282	7
		Charter of Rights Educational Fund	7
Toronto	15 May 1986	Association of Large School Boards in Ontario	8
		United Auto Workers, Local 1980	8
		Mathews, Dinsdale and Clark, Barristers and Solicitors	8
		Service Employees International Union	8
		Board of Education for the City of North York	8
		Christine Elwell of MacLean, Chercover, Barristers and Solicitors	8
		Social Planning Council of Oshawa-Whitby	8
		Communist Party of Canada (Ontario)	8
		CUPE Local 1000	8
		Chinese Canadian National Council	8
		Ontario Public School Trustees' Association	8

Location	*Date*	*Submission*	*Transcript Volume Number*
Toronto	15 May 1986	United Food and Commercial Workers International Union	8
		Ontario Teachers' Federation	8
		Labour Council of Metropolitan Toronto	8
		Canadian Daily Newspaper Publishers Association	8
		Realwomen of Canada	8
		Ontario Trucking Association	8
		OPSEU, Ontario Division; Local 525; and Region 5 Women's Caucus	8
		The National Citizens' Coalition	8
		Professor John Crispo	8
		Ontario Hospital Association	8
		The Ontario Chamber of Commerce	8
		Council of Ontario Contractors Association	8

Note: Sets of transcripts have been lodged for public review in:

(i) ***Ontario Women's Directorate***
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Mowat Block, 5th Floor
900 Bay Street
Toronto, Ontario
M7A 1C2

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Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A2

APPENDIX B

*WRITTEN SUBMISSIONS FILED WITH THE CONSULTATION PANEL ON PAY EQUITY**

Written Submission Number	*Submitted By:*
1	Federation of Women Teachers' Associations of Ontario
2	Canadian Association of Women Executives
3	The Young Women's Christian Association of Metropolitan Toronto
4	Equal Pay Coalition
5	Personnel Association of Ontario
6	Ontario Federation of Labour
7	Times Change Women's Employment Service
8	City of Toronto
9	The Business & Professional Women's Clubs of Ontario
10	OPSEU, Provincial Women's Committee
11	OPSEU, Representing Support Staff at Seneca College
12	Sudbury Women's Action Group
13	Ontario Mining Association
14	OSSTF, Status of Women Committee, Sudbury
15	CUPE, Sudbury Area Council
16	Ontario Council of Hospitals Unions
17	CUPE Local 207
18	CUPE Local 161
19	Sudbury Women Teachers' Association
20	OPSEU Local 655; and Local 656
21	Sudbury Business & Professional Women's Club
22	Sudbury Women's Centre
23	Sault Ste. Marie & District Women for Women
24	Sudbury & District Chamber of Commerce
25	Professor John Crispo
26	B.J. Ferguson
27	Hansen Consultants Ltd.

**Received as of May 30, 1986*

Written Submission Number	*Submitted By:*
28	Kenora-Keewatin Business & Professional Women's Club
29	OSSTF, District 29 (Superior)
30	Cello Products Inc.
31	CUPE Local 1791
32	CUPE, London & District Council
33	Social Planning Council of Oshawa-Whitby
34	The Lakehead Women Teachers' Association
35	Accommodation Motel Ontario Association
36	Kenora-Keewatin Labour Council
37	Cummings Signs of Canada (1984) Ltd.
38	Gail E. Misra
39	James F. Hickling Management Consultants Limited
40	Dryden District Labour Council
41	Northwestern Ontario Women's Decade Council
42	OPEIU Local 454
43	Northwestern Ontario Women's Centre
44	OPSEU Local 702
45	Women's Committee of the Thunder Bay and District Labour Council; OPSEU Provincial Women's Committee
46	CUPE Local 87
47	Barb Coombs
48	Windsor and District Labour Council
49	Elizabeth Switzer
50	Donna Champagne
51	The Business and Professional Women's Club of Windsor
52	The Registered Nurses' Association of Ontario
53	The University of Western Ontario Staff Association
54	Immigrant Women's Information Centre
55	Equal Pay Project, University of Windsor
56	Chatham-Kent Women's Centre
57	The Board of Trade of Metropolitan Toronto
58	Ontario Nurses' Association
59	UAW Local 444

Written Submission Number	*Submitted By:*
60	Cornwall Women's Network
61	Persons United for Self-Help in Ontario
62	Coca-Cola Ltd.
63	UAW Local 89
64	UAW of Canada
65	Windsor Women Teachers' Association
66	Windsor Women's Incentive Centre
67	Affirmative Action Task Force, City of Windsor
68	OPSEU, Provincial Women's Committee, Region 1; and London and District Labour Council
69	The Business and Professional Women's Club of London; and The Business and Professional Women's Club of Stratford
70	G. Roddick Smith
71	Workwear Corporation of Canada Ltd.
72	Dexter-Lawson Manufacturing Inc.
73	Mott Manufacturing Limited
74	Women for the Survival of Agriculture
75	Carolyn Hoffman
76	Inco Limited
77	Bob Callahan, MPP-Brampton
78	Ontario Committee on the Status of Women
79	P.M. Kelly, C.A.
80	UAW Local 1325
81	Muskoka-Parry Sound Health Unit
82	Kitchener Chamber of Commerce
83	Lawrence Fric, Ph.D.
84	Fiberglas Canada Inc.
85	Bay Mills Limited
86	UAW Local 2213
87	UAW Local 252
88	Canadian Manufacturers' Association, Ontario Division
89	OPEIU Local 343
90	United Steelworkers of America, District 6; and Local 6624
91	Canadian Organization of Small Business

Written Submission Number	Submitted By:
92	Canadian Federation of Independent Business
93	Confederation of Canadian Unions
94	Ontario Coalition for Better Daycare
95	The Automotive Parts Manufacturers' Association of Canada
96	The Confederation of Ontario University Staff Associations
97	Ontario Federation of Students, Women's Issues Caucus
98	Reformed Christian Business & Professional Association
99	Organized Working Women
100	CUPE, Metropolitan Toronto District Council
101	East York Women Teachers' Association
102	North York Women Teachers' Association
103	Sandra L. Saddy
104	Municipal Electric Association
105	Italian Canadian Women's Alliance
106	CUPE Local 1442
107	CUPE Local 543
108	UAW Local 303
109	UAW Local 199
110	The Business & Professional Women's Club, Chatham
111	The Board of Education for the City of Toronto
112	UAW Local 1973
113	Carleton University
114	Joint Salary Task Force
115	Oshawa Young Women's Christian Association
116	United Food and Commercial Workers International Union
117	CUPE Local 1653
118	Globe Stamping Company Limited
119	CUPE Local 1023
120	University Hospital
121	Alice Brona
122	OPSEU Local 137
123	UAW Local 200

Written Submission Number	Submitted By:
124	Personnel Systems
125	Retail Council of Canada
126	Status of Women Committee, Ontario Secondary School Teachers' Federation
127	Woods Gordon Management Consultants
128	Ontario Council of Hospital Unions
129	Ottawa Women's Lobby
130	OPSEU Local 345
131	UAW Local 525
132	CUPE Local 243
133	UAW Local 584
134	University Women's Club of Ottawa
135	The Association of Ontario Motels and Motor Inns
136	UAW Local 1915
137	UAW Local 2098
138	UAW Local 1535
139	St. Catharines and District Labour Council - C.L.C.
140	UAW Local 1451
141	Essex County Women Teachers' Association
142	Durham West Liberal Association
143	Gordon Chen, Ph.D., P.Eng.
144	Faculty of Human Kinetics, University of Windsor
145	UAW Local 1530
146	UAW Local 80
147	Women Teachers' Association of Ottawa
148	CUPE Local 1302
149	Bruce Cormack Associates Limited
150	Apparel Manufacturers Association of Ontario
151	CUPE Local 2424
152	Ontario Ski Resorts Association
153	Glenn R. Burger
154	Waterloo County Women Teachers' Association
155	M.F. Blamauer
156	The Windsor Hospital Clerical Workers Union Coalition
157	Allan Warren, Canadian Tire Corporation

Written Submission Number	*Submitted By:*
158	Co-ordinator for the Status of Women, Carleton University
159	Ontario Hydro
160	UAW Local 89
161	The Association of Large School Boards in Ontario
162	National Union of Provincial Government Employees
163	The Public Service Alliance of Canada
164	OPSEU Local 345; and OPSEU Provincial Women's Committee, Region 3
165	Polysar Limited
166	Communications and Electrical Workers of Canada
167	Brantford & District Labour Council
168	CUPE Local 2204
169	Organized Working Women, Ottawa Chapter; and the Ottawa & District Labour Council
170	Ottawa-Carleton Board of Trade
171	Retired Workers Department, UAW Canada
172	CUPE Local 870
173	CUPE Local 503
174	Ontario Trucking Association
175	Peter Moon and Associates
176	Chinese Canadian National Council
177	Coalition on Employment Equity for Persons with Disabilities
178	Service Employees International Union
179	Association of Municipalities of Ontario
180	John Kelly
181	Council of Ontario Universities, Committee on the Status of Women
182	Congress of Canadian Women
183	Professor Eric Cousineau
184	CUPE Local 1344
185	Southern Ontario Newspaper Guild
186	Toronto Transit Commission
187	The Ontario Chamber of Commerce
188	The Norfolk Women Teachers' Association

Written Submission Number	*Submitted By:*
189	CUPE Local 771 (North York Public Library Employees Union)
190	Ontario Hospital Association
191	Mathews, Dinsdale and Clark, Barristers and Solicitors
192	Canadian Daily Newspaper Publishers Association
193	O.R.C. Canada Inc.
194	Ad Hoc Committee on Pay Equity
195	City of Kitchener
196	Mrs. Alfrey Hodgkins
197	Magermans & Raes Insurance Brokers Ltd.
198	Huntsville/Lake of Bays Chamber of Commerce
199	Realwomen of Canada
200	Council of Ontario Contractors Associations (COCA)
201	The Municipality of Metropolitan Toronto
202	CUPE Local 282 (Brant County Board of Education)
203	The Christian Labour Association of Canada
204	The Day Care Advisory Committee of Metropolitan Toronto
205	The Board of Education for the City of North York
206	Women Today
207	Christine Elwell of MacLean, Chercover, Barristers and Solicitors
208	CUPE Local 1000
209	CUPE - Ontario Division
210	CUPE Local 79
211	CUPE Local 1996
212	National Action Committee on The Status of Women
213	Central Ontario Industrial Relations Institute
214	Charter of Rights Educational Fund
215	Labour Council of Metropolitan Toronto
216	Local 43, Metropolitan Toronto Civic Employee's Union
217	UAW Local 1980
218	OPSEU
219	The Communist Party of Canada (Ontario)
220	The National Citizens' Coalition

Written Submission Number	Submitted By:
221	Ontario Teachers' Federation
222	OPSEU, Region 5 Women's Caucus
223	Ontario Public School Trustees' Association
224	London Status of Women Action Group
225	Affirmative Action - Urban Transportation Development Corporation
226	General Motors of Canada Limited
227	Toronto Jewish Congress
228	D.N. Spring
229	Ontario Forest Industries Association
230	Ontario Municipal Personnel Association
231	L.R.L. Symmes
232	Women Working With Immigrant Women
233	Coalition of Visible Minority Women
234	Business Pay Equity Task Force
235	Canadian Business Equipment Manufacturers Association
236	Northern Ontario Tourist Outfitters Association

Note: Copies of written submissions have been lodged for public review in:

(i) ***Ontario Women's Directorate***
Resource Centre
Mowat Block, 5th Floor
900 Bay Street
Toronto, Ontario
M7A 1C2

(ii) ***Legislative Library***
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A2

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